

Also, papers to accompany a bill to increase the pension of Henry N. McLane, of Maryville, Tenn.—to the Committee on Invalid Pensions.

By Mr. PADGETT: Papers to accompany bill to pension William Hayes—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of William Johnson—to the Committee on War Claims.

Also, papers to accompany bill for the relief of Benjamin Bolton—to the Committee on War Claims.

Also, petition of Julia Gailey, heir, praying reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of W. S. Fogg, praying reference of claim of the estate of D. C. Kimbrough, deceased, to Court of Claims—to the Committee on War Claims.

By Mr. PORTER: Resolution of the Philadelphia Maritime Exchange, favoring arbitration treaties between United States and foreign countries—to the Committee on Foreign Affairs.

By Mr. POWERS of Maine: Petition of Charles K. Fulton and others, asking for removal of charge of desertion in case of Allen G. Nelson—to the Committee on Military Affairs.

Also, petition of Stephen J. Saddler, asking for an increase of pension—to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of citizens of Rockport, Ill., protesting against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBB: Petition of J. H. Renfroe and 39 other citizens of Fredericktown, Mo., against the army canteen and sale of liquor in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. ROBERTS: Papers to accompany House bill granting an increase of pension to Edwin M. Alden—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of W. T. Foster and 68 other citizens of Kendallville, Ind., in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Memorial of independent tobacco manufacturers, against passage of bills H. R. 6 and 97, amending section 3394 of the Revised Statutes, relating to tobacco—to the Committee on Ways and Means.

Also, resolutions of the Manufacturers' Association of New York, urging a continuance of the improvement of the channels in the harbor of the Brooklyn water front—to the Committee on Rivers and Harbors.

Also, resolutions of the Grain Dealers' National Association, relative to the inspection of grain at terminal points by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. SCARBOROUGH: Petition of citizens of Little River, S. C., for a survey of Little River—to the Committee on Rivers and Harbors.

By Mr. SCOTT: Resolution of the Western Retail Implement and Vehicle Dealers' Association, against passage of Senate bill 1261—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Grain Dealers' National Association, against the supervision of inspection of grain at terminal markets—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Kentucky: Paper to accompany bill granting a pension to James A. Kemp—to the Committee on Invalid Pensions.

Also, paper to accompany bill granting a pension to Charles H. Jasper—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Lloyd Clark—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of David L. Terry—to the Committee on War Claims.

Also, papers granting an increase of pension to Peter P. Roberts—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 1848—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 7507—to the Committee on Invalid Pensions.

Also, petition of Eliza Ferguson, asking for an increase of pension—to the Committee on Invalid Pensions.

By Mr. SNOOK: Resolutions of A. Linnabary Post, No. 621; Hiram London Post, No. 155; Theodore G. Marchant Post, No. 683, and Weiser Post, No. 93, Grand Army of the Republic, Department of Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Celia Spitsnale, of Dupont, Ohio, asking for a pension—to the Committee on Invalid Pensions.

By Mr. TAWNEY: Petition of citizens of Lyle, Minn., and of citizens of Mower County, Minn., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, memorial of residents of Lake City, Minn., for the permanent improvement of the upper Mississippi River between

St. Anthonys Falls and the mouth of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. THOMAS of North Carolina: Petition of J. B. Harvey and others, favoring the improvement of Swift Creek, North Carolina—to the Committee on Rivers and Harbors.

By Mr. TRIMBLE: Papers to accompany bill for the relief of Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased—to the Committee on War Claims.

By Mr. WADE: Petitions of members of the German Methodist Episcopal Church of Victor, Iowa, and of the Baptist Young People's Union of Clinton, Iowa, in favor of the McCumber and Hepburn-Dolliver bills—to the Committee on the Judiciary.

By Mr. WYNN: Petition of Templeton committee and Santa Margarita committee, of Templeton and Santa Margarita, Cal., requesting an examination of Nacimiento and other sites for a permanent military camp on the Pacific coast—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 3533, granting an increase of pension to Capt. R. H. McIlroy—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, January 13, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 17th ultimo, a statement of buildings rented for the use of the several bureaus under the Department of the Interior in the District of Columbia and the States and Territories; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 9866) making appropriations for clearing the Potomac River of ice, and for the removal of snow and ice in the District of Columbia; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented memorials of the Turn Verein of Grand Rapids; of the Schwaben Verein of Grand Rapids; of the Germania Aid Society, of Grand Rapids, and of the Germania Club, of Saginaw, all in the State of Michigan; of the German-American Executive Board of the German-American Alliance of Ohio; of Lodge No. 27, of Marion; of the German Sick Relief Society, of Youngstown; of Lodge No. 41, of Newark; of the Goethe Lodge, of Youngstown; of the German Benevolent Society, of Newark; of the German Beneficial Society, of Portsmouth; of the Singing Society of Chillicothe; of Lodge No. 18, of Tiffin; of the Maennerchor of Youngstown; of the Kesser Benevolent Association, of Toledo; of the Beneficial Society of Springfield, and of the Arbeiter Saengerbund, of Toledo, all in the State of Ohio; of Lodge No. 113, of St. Killian; of the Harmonic Club of Appleton; of the Germania Maennerchor, of Fond du Lac; of the German Soldier Aid Society, of La Crosse; of the Frohsinn Singing Society, of La Crosse; of the German Veteran Society, of Green Bay, all in the State of Wisconsin; of the St. John's Society, of Albany; of Victoria Lodge, No. 455, of Albany; of the Maenner Quartette Singing Society, of Albany; of the German Young Men's Catholic Union, of Albany; of Court Schiller Lodge, No. 373, of Troy; of the German-American Society of Rochester; of the Turn Verein of Troy; of the St. Anthony Society of Albany; of the Deutscher Bund of Utica; of the Caecilia Singing Society, of Albany; of the German Benevolent Society, of Clarkstown; of the German Legal Aid Association, of Brooklyn; of the Baden Sick Aid Association, of Utica; of the German Veteran Society, of Troy; of the Rhein Preussen Benevolent Association, of Buffalo; of the John Hahn Mannie Order, of Utica; of Lodge No. 15, of Albany; of the Badischer Volks Verein, of Albany; of the Singing Society, Saengerbund Harmonia, of Albany; of Lodge No. 1778, of Buffalo; of the Deutscher Soldaten Bund, of Buffalo; of the Maennerchor of Buffalo; of the German-American Benevolent Society, of Buffalo; of the Swiss Maennerchor, of Rochester; of the Bavarian Saenger-

bund, of Rochester; of the Inspector Brasig Benevolent Association, of Buffalo; of the German Reading Society, of Utica; of the Germania Industrial and Mutual Assistance Association, of Utica; of the St. Joseph's Society, of Troy; of Lodge No. 2993, of Troy; of the Turn Verein of Schenectady; of the Turn Verein of Albany; of the Cascaskia Tribe, No. 63, of Buffalo; of Rhein Lodge, No. 248, of Troy; of the Germania Turn Verein, of Troy; of Legion No. 2, of Buffalo; of the Bavarian Sick Aid Society, of Utica; of Washington Lodge, No. 4, of Buffalo, all in the State of New York; of Arminius Lodge, No. 14, of Henderson; of Steuben Lodge, No. 23, of Minneapolis; of the Order of Hermann, Sons of Jordan; of Harmonia Lodge, No. 45, of St. Paul; of Harmonia Lodge, No. 2, of St. Paul; of the Turn Verein of New Ulm; of Amor Lodge, No. 2, of Nas Rome; of the German Society of Fairmont; of Lodge No. 12, of Minneapolis; of West St. Paul Lodge, No. 24, of St. Paul, and of Lodge No. 32, of Duluth, all in the State of Minnesota; of the Concordia Gesang Verein, of Galveston; of the Turn Verein of Dallas; of the Swiss Singing Society, of Dallas; of the Arbeiter Verein, of Fredericksburg; of Teutonia Lodge, of Dallas; of Lodge No. 209, of Schertz; of Lodge No. 81, of Sublime; of Vorwärts Lodge, No. 6, of Brenham; of Goethe Lodge, No. 18, of Yoakum; of Lodge No. 84, of Armeckeville; of the Maennerchor of Marion; of Paige Lodge, No. 154, of Paige; of the Ulrich von Hutten Lodge, No. 146, of Austin Hill; of Wade Lodge, No. 183, of Wade; of Lodge No. 63, of York Creek; of Wunder Lodge, No. 189, of Otta; of Lodge No. 210, of Waldeck; of Werder Lodge, No. 80, of San Antonio; of Lodge No. 208, of Giddings; of Gloria Lodge, No. 200, of Ledbetter; of Salado Lodge, No. 139, of Lookout; of Frohsinn Society, of Dallas; of Lodge No. 205, of Weimar; of Prairie Lodge, No. 97, of Hockley; of the German Christian Mothers' Society, of Muenster; of the Turn Verein of Cat Spring; of Fortima Lodge, No. 119, of Dallas; of Lodge No. 29, of Cedar; of Lodge No. 155, of Cistern; of the Turn Verein of Denison; of the Truck Growers' Association, of Giddings; of Mozart Lodge, No. 59, of Moulton; of Rio Grande Lodge, No. 201, of Del Rio; of the Turn Verein of Muenster, and of the German St. Mary's Young Ladies' Society, of Muenster, all in the State of Texas; of Koerner Lodge, No. 466, of Chicago; of the Turn Verein of Chicago; of the Turn Verein of Ottawa; of the Turn Verein of Decatur; of the Turn Verein and Maennerchor of Alton; of Germania Lodge, No. 6, of Rock Island; of the Maennerchor of Moline; of Schiller Lodge, No. 1050, of Rock Island; of the Turn Verein of Mount Olive; of Koerner Lodge, No. 756, of Chicago; of Lodge No. 457, of Alton; of Lodge No. 188, of Chicago; of the Turn Verein of Aurora; of the St. James Aid Society, of Decatur; of the Germania Benevolent Society, of Aurora; of the Vorwaerts Turn Verein, of Chicago; of Humboldt Court, No. 45, of Chicago; of the Almira Turn Verein, of Chicago; of Goethe Lodge, No. 422, of Chicago; of Lodge No. 15, of Chicago, and of the Northwest Turn Verein, of Chicago, all in the State of Illinois; of Harmonie Lodge, No. 333, of Holyoke; of the Lyra Singing Society, of Lawrence; of the Turn Verein of Lawrence; of the Germania Turn Verein, of Pittsfield; of Steuben Lodge, No. 237, of Northampton; of the German-American Citizens' Association of Northampton, and of the Schuetzen Turn Verein of Northampton, all in the State of Massachusetts; of the Court Germania Lodge, No. 111, of Los Angeles; of the Schwaben Turn Verein, of Los Angeles; of Lodge No. 11, of Sacramento; of the Turn Verein of Sacramento; of the Turn Verein of Oakland, and of the Germania Turn Verein, of Los Angeles, all in the State of California; of the Deutscher Krieger Verein, of Dubuque; of the Turn Verein of Davenport; of the German Benevolent Society, of Dubuque; of the German Society of Marshalltown; of the Turn Verein of Ida Grove; of the Social Turn Verein, of Dubuque; of the Maennerchor of Muscatine; of the Turn Verein of Durant; of the German Veterans and Soldiers' Society, of Denison; of the Turn Verein of Sioux City; of the Germania Verein, of Sioux City, and of the Germania Maennerchor, of Dubuque, all in the State of Iowa; of the Concordia Society, of Bridgeport; of the German Rifle Company, of Ansonia; of the Turn Verein of Waterbury; of Lodge No. 340, of New Haven; of the Turn Verein of Waterbury; of the Germania Benevolent Society, of Danbury; of the Singing Society of New Britain; of the Turn Verein of Derby; of the Rifle Club of Hartford, all in the State of Connecticut; the Swiss Benevolent Society, of Scranton; the Turn and Schul Verein, of Philadelphia; the Leiderkranz, of Lancaster; of the Fritz Reuter Lodge, No. 560, of Erie; the Nord Deutschen Verein, of Philadelphia; the German-American Alliance, of Reading; the Sick and Death Benefit Society, of Philadelphia; the Germania Verein, No. 2, of Philadelphia; the Deutscher Harmonie Verein, of Philadelphia; the Turn Verein of Johnstown; the General Shafter Beneficial Association, of Philadelphia; the Walhall Beneficial Association, of Philadelphia; of Spring Garden Lodge, No. 179, of Philadelphia; the Bavarian Association of Reading; the Schiller Death Beneficial Society, of Lancaster; the St. Joseph Roman Catholic Beneficial Society, of Philadel-

phia; of Beneficial Society No. 1, of Philadelphia; the Franklin Workingmen's Beneficial Society, of Philadelphia; the Gischler Unterstützungs Verein, of Philadelphia; the Germania Beneficial Society, of Scranton; the Maennerchor of Daisytown; the German-Austrian Music and Beneficial Society, of Johnstown; of Alexander Lodge, No. 55, of Erie; the German-American Beneficial Association, of Philadelphia; the Friehofer Pleasure Club, of Philadelphia; the Frohsinn Singing Society, of Johnstown; the Journeymen Confectioners and Cake Bakers' Beneficial Association, of Philadelphia; of Schopper Lodge, No. 464, Knights of Pythias, of Philadelphia; of Bicentennial Beneficial Society, No. 1, of Philadelphia; the Arbeiter Gesang Verein of Erie; the Class and Nachod Beneficial Society, of Philadelphia; the St. Benedictus Society, of Philadelphia; the Maennerchor of Lancaster; of Turn Verein No. 1, of Philadelphia; the Germania Maennerchor, of Philadelphia; the St. Peter's German Roman Catholic Society, of Lancaster; the Euphonia Tranken Verein, of Philadelphia; the Old Buffalo Beneficial Association, of Philadelphia; the Young Buffalo Beneficial Association, of Philadelphia; the Lehigh Artunter Verein, of Philadelphia; the Deutscher Turn Verein, of Philadelphia; the George Esslinger & Son Beneficial Society, of Philadelphia; the Badischer Verein, of Philadelphia; the Pennsylvania Beneficial Society, No. 2, of Philadelphia; the Deutscher Krieger Verein, of Philadelphia; of Hebel Lodge, No. 559, Independent Order of Odd Fellows, of Lancaster; the Columbia Gesang Verein, of Philadelphia; the Germania Maennerchor Verein, of Philadelphia; the West Philadelphia Humboldt Beneficial Society, of Philadelphia; the South Erie Turn Verein, of Erie; the Washington Conclave, of Lancaster; the Fulton Death Beneficial Association, of Lancaster; the Barbarossa Castle, No. 85, of Johnstown; the Red Jacket Tribe, No. 44, Improved Order of Red Men, of Lancaster; the Gerber Verein, of Philadelphia; the Krieger Verein Barbarossa, of Philadelphia; the German Military Society of Lancaster; the Kranken Verein, of Lancaster, and the Turners' Association of Allegheny, all in the State of Pennsylvania, and of Manor Lodge, Sons of Hermann, of Manor, Tex., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. ALLISON presented petitions of J. W. McKenzie Post, No. 781, of Hampton; of Colonel Garrick Post, No. 117, of Odebolt; of J. G. Safely Post, No. 125, of Traer; of Hyde Clark Post, of Dubuque, and of Alfscofield Post, No. 164, of Miles, all of the Department of Iowa, Grand Army of the Republic, in the State of Iowa, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of the Society of the Army of the Potomac of Sioux City, Iowa, praying for the establishment of a national park at Fredericksburg, Va.; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Claus Groth Gilde, of Davenport, Iowa, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented memorials of P. Kilmartin, of Malvern; of Alva Humeston, of Humeston; of W. N. Buffington, of Glenwood; of C. F. Currier, of Prescott, and of Rankin & Cowden, of Riverton, all in the State of Iowa, and of the Grain Dealers' National Association, remonstrating against the enactment of legislation providing for the inspection of grain by the National Government at terminal markets; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregation of the First United Presbyterian Church of Indianola; of the congregation of the Reformed Presbyterian Church of Morning Sun; of sundry citizens of Cherokee County; of the congregations of the First Presbyterian, the First Christian, and the Methodist Episcopal churches, of West Liberty; of the Woman's Christian Temperance Union of Bangor; of the Woman's Missionary Society of Johnson County; of the Woman's Missionary Society of Tinglev; of the congregation of the Baptist Church of Hawarden; of the congregation of the Methodist Episcopal Church of Kingsley; of the congregation of the First Presbyterian Church of Sac City; of the congregation of the Presbyterian Church of Le Mars; of the Woman's Home and Foreign Missionary Society of Hartley; of the congregation of the Evangelical Association of Hartley; of the Woman's Christian Temperance Union of Tabor; of the Woman's Christian Temperance Union of Hartley; of the Woman's Club of Spencer; of the congregation of the First Presbyterian Church of Cedar Rapids; of the congregation of the Congregational Church of Davenport; of the congregation of the Lutheran Church of Burlington; of the congregation of the Walnut Street Baptist Church, of Burlington; of the Methodist Episcopal Church Sunday School of Lebanon; of the Presbyterian Society of Des Moines, and of the congregation of the Presbyterian

Church of Columbus Junction, all in the State of Iowa, and of the National Congress of Mothers, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PENROSE presented petitions of the Woman's Christian Temperance Union of Athens; of the congregation of the Methodist Episcopal Church of Forty Fort; of the Woman's Christian Temperance Union of Forty Fort; of the Woman's Christian Temperance Union of Lancaster; of the Woman's Christian Temperance Union of Sayre; of the Young Woman's Christian Association of Lancaster; of sundry citizens of Damascus; of the congregation of the Methodist Episcopal Church of Philadelphia; of the Woman's Foreign Missionary Society of the Forty-third Street Methodist Episcopal Church, of Philadelphia; of the congregation of the Spruce Street Baptist Church, of Philadelphia; of the congregation of the Methodist Episcopal Church of Preston; of the congregation of the Presbyterian Church of Philadelphia; of the Woman's Christian Temperance Union of West Philadelphia, and of the Woman's Missionary Society of the Tabernacle Presbyterian Church, of Philadelphia, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FOSTER of Washington presented a petition of the Globe Navigation Company, of Seattle, Wash., praying for the enactment of legislation requiring the employment of United States vessels for public purposes in transporting supplies, etc., for the Government, and also regulating shipping between ports of the United States and places in the Philippines; which was referred to the Committee on Commerce.

Mr. CULLOM presented petitions of John O. Duer Post, No. 399, of Hanover; of Colonel James A. Mulligan Post, No. 306, of Chicago; of Mattoon Post, No. 404, of Mattoon; of Eugene Lyford Post, No. 603, of Port Byron; of Captain A. F. Knight Post, No. 460, of Albany; of Swain Post, No. 660, of Tiskilwa; of John L. Hastetter Post, No. 785, of Chadwick; of Local Post No. 461, of Edwardsville; of Local Post No. 292, of Rutland; of John H. Johnson Post, No. 769, of Connell; of Samuel Akins Post, No. 566, of Cowden; of John Huffer Post, No. 633, of Stewardson, and of T. T. Dow Post, No. 290, of Annawan, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. KEAN presented petitions of the Epworth League of Hope; of the Young People's Society of Kingdom Workers, of Montclair, and of William C. Stevens, of Riverton, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of the congregations of the Methodist, the First Presbyterian, the West Baptist, and the First Baptist churches, all of Vineland, in the State of New Jersey, and of B. Frank Leeds, of Philadelphia, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BEVERIDGE presented a petition of the congregations of the Presbyterian, Baptist, Methodist, and Friends churches, all of Paoli, in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New Albany, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. DUBOIS presented petitions of the congregation of the Bethany Presbyterian Church, of Boise; of the congregation of the Second Presbyterian Church of Boise; of the congregation of the Presbyterian Church of Bellevue, and of the Woman's Christian Temperance Union of Idaho Falls, all in the State of Idaho, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BURTON presented a memorial of the board of directors of the Western Retail Implement and Vehicle Dealers' Association, of Abilene, Kans., remonstrating against the enactment of legislation relative to the suppression of fraudulent insurance companies; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Stockton, Kans., praying for the enactment of legislation to regulate the

interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Presbyterian Church of Frankfort, Kans., praying for the enactment of legislation to protect prohibition States and districts against "original-package" tricks; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Congregational Church of Newton, of the congregation of the Methodist Episcopal Church of Smith Center, and of the Ladies' Shakespeare Club of Topeka, all in the State of Kansas, and of the Woman's Home Missionary Society of the Methodist Episcopal Church of Cincinnati, Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PLATT of Connecticut presented a petition of 30 citizens of Afton, Ind. T., praying for the enactment of legislation allowing railroad employees a day of rest and Sabbath observance; which was referred to the Committee on Indian Affairs.

He also presented petitions of sundry citizens of the Indian Territory, praying for the enactment of legislation providing continued protection against the sale of intoxicating liquors, and also praying for a separate statehood for the Indian Territory; which were referred to the Committee on Indian Affairs.

Mr. TALIAFERRO presented a petition of Henry B. Whipple Post, No. 10, Department of Florida, Grand Army of the Republic, of Orlando, Fla., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of 20 citizens of Eustis, Fla., praying for the ratification of the Panama Canal treaty; which was referred to the Committee on Foreign Relations.

Mr. CLAPP presented petitions of the Hamline Fortnightly Club and Hamline Mothers' Club, of St. Paul; of the Presbyterian Church of Knox and Warrendale, and of the Woman's Christian Temperance Union of St. Paul, all in the State of Minnesota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a petition of sundry citizens of Washington, D. C., praying that an appropriation be made for the widening of Eleventh street SE. from Pennsylvania avenue to Virginia avenue SE.; which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented petitions of W. T. Wickham Post, No. 655, of Otto; of Burnside Post, No. 237, of Rosburg; of Frank Norton Post, No. 116, of Schuylerville; of Hiram Clark Post, No. 154, of Marathon; of B. Frank Maxson Post, No. 428, of Alfred; of D. F. Schenck Post, No. 271, of Fulton; of William E. Avery Post, No. 436; of G. L. Willard Post, No. 34, of Troy; of Abraham Vosburg Post, No. 25, of Peekskill; of L. O. Norris Post, No. 121, of Albany; of Otis H. Tillinghast Post, No. 548, of Morrisville; of Philip H. Sheridan Post, No. 630, of Waterford; of Gordon Granger Post, No. 7, of Clifton Springs; of A. A. Curtiss Post, No. 392, of Geneseo; of John B. Burrud Post, No. 444, of Marion; of B. F. Middleton Post, No. 500; of Swift Post, No. 94, of Geneva; of William A. Jackson Post, No. 644, of Albany; of Charles P. Sprout Post, No. 76, of Lockport; of Grover Post, No. 98, of Cortland; of Chapin Post, No. 2, of Buffalo; of Francis E. Pierce Post, No. 455, of Rochester; of Wallace B. Ransom Post, No. 432, of Clarence; of Ketcham Post, No. 495; of Moses F. Odell Post, No. 443, of Brooklyn; of G. G. Meade Post, No. 38, of New York City; of Root Post, No. 151, of Syracuse; of Erastus T. Tefft Post, No. 355, of Brooklyn; of N. G. Lyon Post, No. 43, of Cohoes; of G. K. Warren Post, No. 286, of Brooklyn; of Captain Gibson Post, No. 421, of Winthrop; of Hartwell T. Martyn Post, No. 346, of Canton; of Cushing Post, No. 231, of Brooklyn; of Gibbs Post, No. 130, of Warsaw; of Mark L. Scoville Post, No. 459, of Mount Morris; of George Huntsman Post, No. 50, of Flushing; of Local Post No. 202, of Angola, and of U. S. Grant Post, No. 327, of Brooklyn, all of the Department of New York, Grand Army of the Republic, in the State of New York, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the Woman's Home Missionary Society of Washington Heights; of the North Presbyterian Church, of New York City; of sundry citizens of Ancram Lead Mines; of the Presbyterian Church of Ballston; of St. Paul's Church, of Pleasant Valley; of the Woman's Christian Temperance Union of Phoenix; of the Young Woman's Christian Temperance Union of Linoleumville; of the Woman's Christian Temperance Union of Bath; of the Woman's Christian Temperance Union of Reading; of the Willing Aid Society of Brooklyn; of the Third Methodist Episcopal Church of Sodus; of the First Presbyterian Church of Wilson; of the Baptist Church of Port Jefferson; of sundry

citizens of Rochester; of the Presbyterian Church of Cambridge; of the Warren School of Expression, of New York City; of the Christian Endeavor Society of Wallkill; of the Second Presbyterian Church of Cortlandt; of the Congregational Church of Wellsville; of the First Methodist Episcopal Church of Wellsville; of sundry citizens of Onondaga County; of the First United Presbyterian Church of Newburgh; of the Woman's Christian Temperance Union of Whitestone; of sundry citizens of Troy; of sundry citizens of Dolgeville; of the Ladies' Missionary Society of Brooklyn, and of sundry citizens of Glens Falls, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

LABOR TROUBLES IN COLORADO.

Mr. PATTERSON. Mr. President, I received a telegram yesterday evening in the nature of a petition to the Senate, which I ask to have read. I have had it typewritten and attached to the telegram for easier reading. I ask that, when read, it with the resolution to which it refers, which has already been presented and is now on the table, may be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. The Senator from Colorado asks for the reading of a petition which he sends to the desk. Is there objection? The Chair hears none, and it will be read.

The Secretary read as follows:

[Telegram.]

DENVER, COLO., January 12, 1904.

Senator T. M. PATTERSON.

Senate Chamber, Washington, D. C.:

Mass convention of State Federation of Labor adopted following to-day: Whereas this convention, representing 35,000 members of organized labor in this State of Colorado, has been called to take cognizance of industrial conditions and of the course followed by Governor Peabody:

Resolved, That the situation in this State is so grave that the facts should be laid before the nation in an authoritative manner. To that end we urge the immediate passage by the United States Senate of Senator T. M. PATTERSON's resolution directing the Senate Committee on the Judiciary, or a subcommittee thereof, to come to Colorado and make a searching inquiry into the conditions existing in this State. Organized labor courts an investigation, and we feel sure that we are voicing the sentiment of every labor organization in the State when we promise the Senate committee our hearty cooperation.

JOHN SULLIVAN, President.

The PRESIDENT pro tempore. What is the request of the Senator from Colorado?

Mr. PATTERSON. I ask that the petition, with the resolution to which it refers, which is now on the table, be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. They will be referred to the Committee on the Judiciary.

Mr. SCOTT. In connection with the petition just read, I desire to offer a reply from the mine owners and the property owners of Colorado in opposition to the resolution offered by the Senator from Colorado [Mr. PATTERSON]. I ask that it be printed as a Senate document, and referred to the Committee on the Judiciary.

Mr. PATTERSON. I suppose the Senator from West Virginia will admit that he is one of the mine owners?

Mr. SCOTT. Most assuredly.

The PRESIDENT pro tempore. The request of the Senator from West Virginia is that the memorial which he presents may be printed as a Senate document. Is there objection? The Chair hears none. It will be referred to the Committee on the Judiciary.

The Chair has received a large number of petitions directed to the President pro tempore of the Senate in regard to this same resolution, and will a little later on ask that they may all be referred to the Committee on the Judiciary instead of being read here.

Mr. PATTERSON. Why not now? Then let the order go sending them all to the Committee on the Judiciary.

The PRESIDENT pro tempore. If there be no objection, the petitions and the memorial which are in the hands of the Presiding Officer of the Senate will be referred to the same committee.

The petitions and memorial presented by the President pro tempore and referred to the Committee on the Judiciary are as follows:

Petitions of the State Federation of Labor of Fresno, Cal.; of sundry citizens of Cripple Creek; of Miners' Union No. 6, Western Federation of Miners, of Aspen; of Woman's Auxiliary No. 2, of Victor; of James H. Peabody, of Denver; of the Citizens' Alliance of Victor; of sundry citizens of Denver; of the Citizens' Alliance of Denver; of the Citizens' Alliance of Cripple Creek; of the Chamber of Commerce of Cripple Creek, and of the Trades Labor Assembly of Cripple Creek, all in the State of Colorado, praying for the enactment of legislation granting to the people of Colorado protection against Federal troops; and

A memorial of the District Citizens' Alliance of Cripple Creek, Colo., remonstrating against the adoption of the so-called Patterson resolution relative to the riots at Cripple Creek, Colo.

Mr. SCOTT. I ask that the reply to the resolution of the Senator from Colorado be read to the Senate before its reference to the Committee on the Judiciary.

The PRESIDENT pro tempore. The Senator from West Virginia asks that the memorial which he sent to the desk be read. It is a very long memorial.

Mr. SCOTT. I understand that there is no very pressing business. I think it is a very interesting document, and I should like to have my friend the Senator from Colorado hear the reply from the owners of property in the State of Colorado to his resolution offered some time ago.

Mr. PATTERSON. Mr. President, I wish to state to the Senator from West Virginia and to the Senate that I am quite familiar with every step that has been taken at home with reference to the resolution I heretofore offered. When I introduced the resolution I had no question in the world but that it would bring out the very expressions which are doubtless contained in the paper the Senator from West Virginia has offered.

I only want to say that the organization which his resolution or petition represents is more directly responsible for the course of the governor of Colorado than everything else combined. We know that the mine owners' organization is furnishing the money that pays the troops that are being used for the extermination of labor unions in Colorado, and the troops are being used for that purpose and not for the purpose of suppressing violence or protecting life and property. As a matter of course, from such a body as that the resolution that I introduced, containing the statements that it contains, evokes precisely what is recited in the paper he offers.

Mr. SCOTT. Mr. President, I have been an employer of organized labor for thirty-three years. I have never had a strike. I hope the Senator from Colorado will listen to what I have to say.

Mr. PATTERSON. Yes; certainly.

Mr. SCOTT. I have been an employer of labor for thirty-three years in the manufacturing business, and I have never had a strike. My relations with organized labor are of the very closest and most friendly character.

In 1894, as a partowner of a mine in Cripple Creek, Colo., this same State Federation of Miners, or at least some members of it, which comes before us through the Senator from Colorado, destroyed our property by blowing up our mine and injuring us in every way that it was possible for them to do, imprisoning three men in a mine, one of whom had to be sent to an insane asylum in consequence of the suffering endured while he was imprisoned there 350 feet below the surface of the earth.

Another was taken to Bull Hill, and, having been strung up by the neck, was tortured in every way that a man possibly could be. Yet the Senator from Colorado comes here and champions the cause of these very same men.

This paper is a statement of the owners of property in Colorado to show why they condemn and disapprove the resolution the Senator has offered in this body against one Governor Peabody, of Colorado.

Mr. President, there never has been a more tyrannical, a more despotic organization on the face of the earth than this same organization the Senator from Colorado is championing, controlled as it is by a few unscrupulous leaders. Left to the rank and file of this organization, no such deeds would have been committed. But all was done at the order of the so-called "walking delegate."

The organization of labor I approve of. Labor has the same right to organize that capital has. But it has no right to destroy the life and property of others.

Only a few weeks ago a mine in Cripple Creek—the Vindicator—by the connivance and, as has been proven, with the consent of the same leaders, was destroyed and the lives of three men taken by placing in the shaft of the mine dynamite or some infernal machine which exploded and caused the death of the three men, simply because they were not members of that organization.

Every man has a right to labor. No man denies that. Every man has a right to desist from laboring when the conditions do not suit him. But an organization has no right to destroy the lives of people who are opposed to it or to destroy the property of others.

I ask for the reading of the paper I presented in regard to this case.

The PRESIDENT pro tempore. Is there objection to reading the paper?

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Debate is entirely out of order.

Mr. PATTERSON. I know, but the Senator from West Virginia called my attention to what he was saying, and he has said a great many things. I think that under the circumstances I should be heard for a short time in reply.

The PRESIDENT pro tempore. Is there objection to the Senator from Colorado proceeding?

Mr. HALE. This is consuming the morning hour and is against the rule. I will simply say that after the Senator from Colorado is through with his remarks, which he says will be brief, I shall be constrained to call for the regular order, because if upon petitions extended debate takes place here we will never get through with the business of the morning hour.

Mr. SCOTT. I ask the Senator from Colorado to do me the justice to have the paper read. I did not object to the reading of the petition he presented from the State Federation of Miners.

Mr. PATTERSON. Mr. President, I am not objecting, not for a moment. I simply ask the favor to make a short reply to what the Senator from West Virginia has said.

The PRESIDENT pro tempore. The Senator from Colorado will proceed, in the absence of objection.

Mr. PATTERSON. Mr. President, I desire at the very outset to say that I am championing no side of the troubles which have existed in Colorado since last September and that yet exist in a very aggravated condition. The resolution that I introduced had reference to most extraordinary procedure by the governor of the State, a procedure which deprived a large number of peaceful and law-abiding citizens of the State of the most common and ordinary rights of American citizenship, the writ of habeas corpus suspended, men arrested, domiciliary visits by the military, men carried in the darkness of the night and confined in a bull pen that was created by the military authorities, the right of trial denied, no charges preferred, the decrees of a competent jurisdiction flouted, and to crown it all in the southwestern part of the State a proclamation by the military declaring everybody who is not at work to be a vagabond and to be expelled from the limits of the county.

I will not enlarge at all upon that proposition, but will refer to some of the statements made by the Senator from West Virginia. To such an extent has the governor's line of conduct been carried that now whenever the Denver papers publish news from the country to which the Senator from West Virginia refers they can only publish censored dispatches. At the head of the Denver papers you find stated that "the following dispatches have been censored, and we know not whether the statements they contain are true or not."

The Senator from West Virginia felt compelled to go back to an unfortunate strike which occurred in 1894 in the same district. He referred to a case of gross and outrageous violence against the mine of which he is a part owner, in which the lives of men were endangered and the utmost indignity was imposed upon their persons. I have no defense, not for a moment, of a single thing connected with that most reprehensible transaction, but I want to say that two men were arrested, tried, and convicted in the county in which the transaction occurred, the trial occurring during a period of most intense excitement.

Mr. SCOTT. Will the Senator allow me to ask if the county since that time has not been divided and a new county made.

Mr. PATTERSON. Since then; but at that time the strike was in the county in which Cripple Creek is situated. Within a short period after the conviction a Republican governor pardoned the two men who were convicted, and gave as his reason that evidence had come to him that convinced him they were not guilty. They were sentenced for a long period. They served but a short time and were pardoned, as I have said, by a Republican governor.

Mr. SCOTT. If the Senator will allow me, there is no doubt but that the property was destroyed and destroyed by the State Federation of the Miners' Union.

Mr. PATTERSON. Mr. President, it is hardly fair for the Senator from West Virginia to make that statement, because the miners' union, as an organization, disclaimed all knowledge of and participation in the outrage. What they insisted upon was that it could not have been done by any union whatever; that if a union man was connected with it, it was but an individual act and without the approval or knowledge of the union. I am not here to defend that transaction, but to make a simple statement, so far as it is concerned.

The Senator refers now to an unfortunate accident or crime, I do not know which, that occurred in Cripple Creek this last summer in a mine called the "Vindicator." The superintendent of the mine and one of his workmen went down, and when they had been in the mine some little time, as I understand the facts, an explosion occurred below, and both lost their lives.

Mr. SCOTT. If the Senator will allow me, the fact, as I understand it, is that when they were going down in the mine, in the shaft, the action of the crib or cage exploded an infernal machine which some one had placed there for the purpose of destroying the mine and killing these two men.

Mr. PATTERSON. Mr. President, that is the most extreme view of that unfortunate affair. That view is taken by the men

who seem determined to charge every violation of law or every accident that occurs by violence, the origin or source of which can not be determined, upon the miners' union.

The facts, Mr. President, so far as time is concerned, are, I think, as I have stated them. We do know that a coroner's jury was summoned and made a most careful investigation into the occurrence and that the unanimous verdict of that jury was that it was impossible to determine the cause of the explosion.

Under those circumstances it seems to me, Mr. President, that the Senator from West Virginia should hesitate to make the charges he does in the broad terms he uses against the miners' union of that mining district.

I wish to say, Mr. President, that that incident, together with an allegation that some union man loosened the spikes in a railroad track, comprises about the sum of violence since the commencement of the strike in that unfortunate district. These have been taken as the excuse for waging a war of extermination against the Western Federation of Miners, a federation strong not only in that district, but in every mining district in the West.

The Senator from West Virginia should hesitate to thus brand a great organization when but a few weeks ago the President of the United States did that organization the honor of publicly inviting a number of its representative officers to lunch with him at the White House.

As I said, I defend no organization at this time, whether the organization of miners or the organization of mine owners. In my resolution I simply attempted to bring to the attention of the Senate, for the specific purpose of investigation, a most lamentable condition of things and a most indefensible one from the standpoint of law and constitutional obligation.

I had intended to make remarks in extenso on that resolution, but from anxiety to bring the matter speedily before the Committee on the Judiciary I have decided to ask that all papers be referred to that committee. Whatever the State Federation of Labor may say and whatever the committee of mine owners may say for or against me in connection with my attitude upon this question, if an investigation is ordered, the truth will become apparent; and that is all I ask.

Mr. SCOTT. Mr. President—

The PRESIDENT pro tempore. The Senator from Maine [Mr. HALE] has gone out of the Chamber. If the Senate is desirous of having the rule enforced that there shall be no debate when petitions are presented it lies with the Senate to do it. The Chair will not do it. The Senator from West Virginia.

Mr. SCOTT. Mr. President, in view of the fact that the paper submitted by the Senator from Colorado was read, I ask for the reading of the paper that I sent to the desk. Otherwise I should not now ask for the reading of it. I simply asked that it be referred to the committee and printed as a document. If there is objection, of course it goes over.

Mr. LODGE. I do not object to the reading of the paper, of course, but I do object to any further debate on the petition.

The PRESIDENT pro tempore. The Chair simply calls the attention of the Senate to the rule. It is dangerous to violate the rule with regard to petitions. The Chair hears no objection to the request of the Senator from West Virginia, and the Secretary will read the paper which he sent to the desk.

The Secretary proceeded to read the paper.

Mr. SCOTT. Out of deference to the wishes of a number of Senators, I will withdraw my request to have the paper read and ask that it be printed, following the paper presented by my friend the Senator from Colorado.

The PRESIDENT pro tempore. The Chair hears no objection, and it will be printed in the RECORD. It will be also printed as a document.

Mr. SCOTT. I want to have it also printed as a document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The paper referred to is as follows:

[Senate Document No. —, Fifty-eighth Congress, second session.]

Statement pertaining to matter contained in Senate resolution No. 50, second session Fifty-eighth Congress,—January 13, 1904, referred to the Committee on the Judiciary, and ordered to be printed.

To fully understand and appreciate the conditions referred to in Senate resolution No. 50, relating to a strike of the metalliferous miners in the Cripple Creek district, Teller County, and in San Miguel County, Colo., which conditions have necessitated the intervention of the governor of Colorado, through the State Militia, for the preservation of peace and order, the protection of life and property, and of the right of every man to pursue his lawful vocation without molestation or interference, a brief review of the labor troubles of the past twelve years in the metalliferous mines of the Rocky Mountain region is necessary.

During all these years an alleged labor organization, known as the Western Federation of Miners, has been endeavoring, with considerable success, to obtain a hold on this particular industry through the unionization of these mines, and the history of this campaign, with its record of murder, arson, dynamiting, and riot, to say nothing of the more petty crimes, such as assaults, intimidation, threats, and personal abuse, all committed for the purpose of intimidating and coercing men engaged in earning a livelihood, is enough to shock humanity.

No parallel can be found for it in the labor history of the world unless it be in the Molly Maguire organization, which maintained a reign of terror in the Pennsylvania coal fields prior to 1877. During times of comparative peace the career of this organization has been marked by nocturnal assaults and secret assassinations, while now and again they have broken out into open warfare amounting to insurrection. Whenever a mine owner has assumed to stand against their aggressions or to employ as laborers men not members of this organization, his life and his property has been the forfeit. Criminal, cruel, untiring, militant, political parties have obeyed their behest, honorable judges have been retired to private life for decisions to them obnoxious, courts have yielded to their dictates, and sheriffs and other peace officers, often selected from their own number, have been their willing agents. When an executive has been found big enough and brave enough and patriotic enough to rise above political expediency and take a firm stand in favor of law and order and the preservation of those rights guaranteed by the Constitution, as did Governor Steunenberg, in Idaho, in 1899, and as Governor Peabody is doing in Colorado to-day, protests such as that embodied in the resolution under consideration have gone up from certain quarters, either inspired by sympathy with the acts and purposes of this organization or with the hope of obtaining some political advantages through them or, as we trust is the case with the present resolution, by ignorance of the facts which have engendered the condition.

On account of the machinations and methods of the Western Federation of Miners the metalliferous mining industry of the West has been in a chaotic state for a long period of years. That a person was operating his property one day under satisfactory conditions was no guaranty that he would be able to do so the next. To make a contract with the federation has always been a mere form, for this organization knows nothing of the sanctity of such an obligation. Continual aggressions have been supplemented by open outbreaks of alarming frequency.

Prior to this time the most notable of these outbreaks were the Cripple Creek strike of 1894, important in this discussion, as it was but the preface and forerunner of present difficulties; the Coeur d'Alene riots of 1892 and 1899, brought into particular prominence by the Congressional investigation which followed the latter; the Leadville strike of 1896; the Smuggler-Union riot at Telluride in 1901, and the strike at Idaho Springs, Colo., in the early part of the present year. Outside of the mines numerous strikes have occurred at various mills, smelters, and reduction plants (for the Western Federation has not confined its field of activity to mine workers), the most important of which was at Colorado City, Colo., in May of the present year. This strike has a direct bearing on the present trouble at Cripple Creek.

It is not necessary to make more than passing mention of the labor troubles in the Coeur d'Alenes, which for over ten years kept that rich district in constant turmoil. During all this time life and property were but pawns in the hands of the Western Federation, and a veritable reign of terror existed. These conditions were carefully and conscientiously investigated by the Military Committee of the House of Representatives, under House resolution No. 31, Fifty-sixth Congress, first session, being a resolution "on the conduct of the United States Army and its officers in Idaho." This investigation and the findings of the committee were a complete vindication of the action of Governor Steunenberg in calling on the United States for aid and of all that was done by the Army in connection with the riots of 1899, in which an armed force of nearly 1,000 union miners had attacked the Bunker Hill and Sullivan mill, destroyed several lives, and demolished with dynamite about \$250,000 worth of property. Anyone who wishes to be advised as to the methods and purposes of the Western Federation should read this report in full, for the conditions which exist in Colorado to-day are the reflection and counterpart of those which paralyzed the mining industry of northern Idaho during ten years of riot and bloodshed.

The history of the Coeur d'Alenes was repeated in Leadville, Colo., in 1896. For months business was paralyzed and the entire community terrorized. The sheriff's office and the district court were the strikers' most able lieutenants. The number of lives sacrificed in this struggle will never be known. This trouble finally culminated in the destruction of the Coronado mine by dynamite and the loss of a number of lives. It was then that the governor of the State tardily called the troops, and after some months order was again restored.

In 1901 the Smuggler-Union mine, at Telluride, Colo., became involved in trouble with the Western Federation. The mine was using what is known as the contract system, i. e., the miners were paid according to the amount of ground broken instead of by the day. It was admitted that a man who was willing to do a fair day's work could earn the union scale, which means a minimum of \$3 per day for eight hours' work, but nevertheless the federation demanded that this system be discontinued. The management refused to abandon the contract system and a strike followed. Some nonunion men were put at work, and on July 3 an armed body of union men attacked the mine, killed and wounded several persons, dislodged the nonunion men, and took possession of the property. The nonunion men were driven into the hills and with their wounded were compelled to find their way on foot to places of safety.

The union miners maintained possession of the mine until a settlement was finally forced. In connection with this riot one of the most remarkable telegrams that ever went over the wire was sent to the governor by a member of the State senate and a confidant of the governor, for the purpose of informing the latter as to conditions. It was as follows:

TO HIS EXCELLENCY JAMES M. ORMAN,
Governor of Colorado, Denver, Colo.:

Situation unchanged. Miners have peaceable possession of mine. Manager Collins here. Life not in danger.

W. S. BUCKLEY.

The governor, to his credit, immediately demanded that the possession of the mine be delivered back to the owners, and threatened to send the troops if this was not done. Hesitant, however, a commission to investigate and to endeavor to make a settlement. On this committee was Mr. Coates, the head of the State Federation of Labor, and Hon. Theron Stevens, judge of the district court at Telluride, whose union sympathies are notorious. A settlement was effected, and then, and not till then, did the miners surrender possession of the mine to the owners. Ever since this trouble the Telluride district has been kept in a state of constant terrorism. There is scarcely a prominent citizen or mine operator whose life has not been threatened and in constant danger. Manager Collins, of the Smuggler-Union, mentioned in the above dispatch, paid the penalty for his opposition to the Western Federation. He was shot in the back and killed as he sat at his library table in the evening with some friends.

A number of arrests were made for this murder, among them Vincent St. John, president of the Telluride Union. A grand jury was impaneled—a procedure resorted to only in extreme cases in Colorado—and indictments found. These indictments were quashed on some technicality by the above-mentioned Judge Stevens and the judicial procedure so arranged that on being discharged from custody St. John and his colleagues had a chance to escape, and they are now fugitives from justice. In addition to the murder of Collins, a number of men have mysteriously disappeared since the riot of 1901. Such was the condition at Telluride when the present strike was called; such is the

legitimate labor organization—for it is so called by the Denver News, Senator Patterson's paper—which the Telluride operators have had the temerity to resist; such are the law-abiding citizens whose rights under the Constitution are being interfered with by the military.

After the Smuggler-Union riot an agreement was entered into between the Telluride operators and the Western Federation of Miners regulating the wages, hours, and conditions of labor in the Telluride district. This agreement was for a definite period and had a considerable time to run when the present difficulties arose. The cause of this difficulty was not any dissatisfaction with working conditions or wages in the mines. Certain employees in the mills not covered by the agreement were working ten hours a day and the federation demanded that their working hours be reduced to eight. It was the desire of the federation to have work discontinued on the mines for the purpose of aiding the mill workers and at the same time avoid the odium of a direct breach of their contract obligation. The method was unique and effective. Owing to the topography of the country all the mines of this district, with one or two exceptions, have to board their men in boarding houses located at the mines. The help in these boarding houses was not covered by the above agreement, but was affiliated with the Western Federation. This help was called out in sympathy with the striking mill men, and the union men in the mines, looking for an excuse to quit in the face of their contract, of course did so on the ground that the mines could not victual them. The Liberty Bell mine, however, owing to a more advantageous location, was still able to operate, and later on the men on this mine were called out.

The Federation thereby openly and flagrantly violated its solemn contract, a thing, however, which is in no way new to it. All the Telluride mines remained shut down for some months, for the old methods of the Federation were adopted and men did not dare to work under its ban. The sheriff, the mine operators, and many of the leading citizens called on the governor for protection in caring for and operating their properties, and after some delay the troops were sent. Since that time the mines have been enabled to open and affairs are rapidly assuming normal proportions.

At Idaho Springs a strike was called by the Federation about the first of the year. The methods invoked at other places were brought into play here, and the affair culminated in the destruction of a portion of the Sun and Moon plant by dynamite. One of the perpetrators was killed in the explosion. He carried a card of the Western Federation. A number of persons, including several of the prominent union leaders, were arrested for this crime and their trials are now in progress.

So it will be seen that in all these strikes the Western Federation has not only indulged in coercion, picketing, threats, and intimidation, but have resorted to riot, arson, bloodshed, and general disorder as well; and in all of these localities in times of outward quiet assaults, intimidation, and even murder have been committed for the purpose of forcing men into the union. There can be no individual freedom where this organization gains a foothold.

During the past few months the Cripple Creek district has been the center of the disorders generated by the Western Federation, both because it employs more labor than any other mining camp in the State, and because the Federation looked upon it as one of its strongholds, and the best place to strike a decisive blow. To fully understand the situation there it is necessary to have some knowledge of the strike of 1894, with the circumstances surrounding it and the settlement reached.

In 1893 Cripple Creek was but 2 years old; it was removed from the other districts of the State, and operators found difficulty in securing experienced miners. As a result each operator did the best he could regardless of his neighbors, and there was no uniformity either as to wages or as to hours of labor. Most of the mines were working nine hours and the balance only eight. Late in this year the eight-hour operators tried to place their mines on the nine-hour basis, which, generally speaking, was in vogue throughout the State. In the meantime a union had been formed in the district and about the time of the effort to increase hours this union affiliated with the Western Federation of Miners.

At first the strike involved only the mines which were attempting the change, but soon the strikers demanded an eight-hour day on all the mines, with a minimum wage of \$3 per day, and with one or two exceptions all the mines were drawn into the difficulty. The miners took possession of Bull Hill, the highest eminence in the district, fortified it, and completed an organization with military precision. From their stronghold excursions were made throughout the district. Houses and stores were broken into, men supposed to be antagonistic to them were taken from their homes and beaten up, powder and supplies were stolen, and a state of terrorism inaugurated. Early in the year Mr. Locke, superintendent of the Isabella properties, was waited on by an armed mob and taken to the outskirts of the district and warned to leave and never return. He complied with the warning. Warrants were sworn out against some of the leaders of the strike, and a band of special deputies was sworn in to serve them. These deputies were ambushed, captured, and taken to the strikers' headquarters on Bull Hill, where they were held as prisoners for some time and then released on the promise that they would not return.

David H. Waite was then governor of the State. After this lawlessness had been going on for some time and the sheriff found that he could not cope with the situation, he called on the governor for troops to aid the civil authorities. The governor sent the troops into the district, and with them Adjutant-General Tarsney as his personal representative. General Tarsney, immediately on his arrival, went to the headquarters of the strikers on Bull Hill and consulted with the leaders. After this consultation he immediately advised the governor that the troops were unnecessary and the latter withdrew them. They were in the district only about one day.

After the departure of the troops in January this sanguinary contest went on with renewed vigor. The sheriff was powerless and the strikers had full control of the situation. Many valuable properties were in the absolute possession of the mob, and some of them were worked to obtain the sinews of war. Some men disappeared, many were beaten up, and lawlessness reigned supreme. This condition of affairs continued until about May 1, 1894. At that time a band of about 100 deputy sheriffs, who had been sworn in, arrived at the outskirts of the district and went into camp.

The miners prepared to attack them and the deputies withdrew to a point some miles distant. As the miners were moving to attack the deputies they saw Sam McDonald going toward the Strong shaft house. McDonald was superintendent of the Strong and Gold King mines and had incurred the enmity of the union. Previous to that time a delegation, headed by one Hugh O'Connell, had waited on McDonald at the Anna Lee shaft, where he was working, for the purpose of driving him out of the district as they had Locke. McDonald came out of the shaft and stood the crowd of some fifty men off with two six-shooters. When the union men saw McDonald going toward the Strong, they started in pursuit, firing at him as they came. McDonald ran into the Strong shaft house and aroused the two men—Jack Goodhue and Charles Robinson—who were watching there. They attempted to escape, but found themselves surrounded; so McDonald stood off the crowd, which had now reached the shaft house, while his companions went down the shaft. He then followed them, taking his Winchester with him. The three went to the third level, the lowest in the mine.

The strikers then dropped a quantity of dynamite with a lighted fuse attached down the shaft, but McDonald, as he went down, closed the trap at

the second level, and the powder was exploded at this point, doing no damage to the men, but destroying the shaft. The strikers then planted dynamite under the shaft house and machinery, which they exploded, entirely destroying the surface improvements. After the destruction of the plant the timbering of the shaft was set on fire. The three occupants of the mine only escaped death by suffocation by reason of the fact that the workings were connected with the surface by an old shaft, which afforded ventilation. An effort was made to close this shaft, without success. After fighting fire and facing death for about thirty-six hours without food, McDonald and his companions were induced to come to the surface on the promise that they would not be injured, but would be given safe conduct to their friends. Instead, however, they were taken to Bull Hill, repeatedly hung up by the neck almost to the point of death, and were made to suffer all conceivable indignities, and to promise that they would divulge nothing which they knew, but would leave the district and never return. Instead of being released, however, they were held prisoners until the exchange of prisoners hereinafter mentioned.

On the night of the day on which the Strong mine was dynamited the miners made an attack on the deputies. A number of persons were killed on both sides and four of the strikers were captured and taken to Colorado Springs, when the county seat, Teller County not having been organized at that time. The union immediately began negotiations for an exchange of prisoners, and this was agreed upon. The prisoners held by the sheriff were released, but the sheriff found that the union had not released McDonald and his companions, and again apprehended them. Soon after this the exchange was effected. By reason of the indignities heaped upon these men on Bull Hill Robinson went insane and Goodhue was entirely broken in health. McDonald, made of stronger fiber, remained in the district and has borne a conspicuous part in the contest which has been going on there.

In the meantime the sheriff had been organizing his forces and soon after the Strong riot found himself in command of about 1,100 deputies. For the purpose of assembling and equipping these men El Paso County had appropriated the sum of \$125,000. These men were sent into the district in charge of W. S. Boynton, one of the county commissioners. They went into camp one evening prepared to move onto Bull Hill the following morning. The sheriff again became alarmed, instructed Boynton to defer action, and called on the governor for troops. This request was immediately acquiesced in, but the conditions under which they were sent and the orders under which they acted are novel, to say the least. They were not sent in to preserve peace or to restore property to its rightful owners, but to protect the strikers.

The military assumed full control in the district and, with the civil authorities superseded, there was but one thing for the operators to do, and that was to settle on the best terms possible. The settlement was made, and the agreement of settlement has since been known as the "Waite agreement," as it was negotiated by Governor Waite on behalf of the miners' union. He was appointed by them for this purpose by power of attorney, and it is probably the only instance in the labor history of this country where the governor of a State has acted as the agent for one party in a controversy of this character and has forced a settlement by virtue of his control of the military arm of the government.

In addition to the provisions ultimately inserted in the agreement, Governor Waite insisted that only union men be employed in the mines and that all strikers who had been engaged in acts of lawlessness should be immune from arrest. These two points were resisted by the operators and were finally waived. The agreement ultimately entered into and signed by Governor Waite, as the representative of the union, provided that eight hours should constitute a day's work; that the minimum wage about the mines should be \$3, and that there should be no discrimination against union men in the hiring and discharge of labor. This agreement has controlled the Cripple Creek district with regard to hours and wages ever since 1894. The wage scale in effect at the time the present strike broke out was as follows:

	Per day.
Trammers, single-hand miners, firemen, and ordinary laborers.....	\$3.00
Timbermen, machine helpers, etc.....	3.50
Machine men.....	4.00
Engineers, foremen, and shift bosses.....	4.00 to 5.00

Since the strike of 1894 there has been no trouble between the operators and the men employed on the mines. The living and climatic conditions are excellent, the district is accessible, and the above scale of wages far higher than the average paid in the metalliferous mines. It is probable that employer and employee would have worked together in harmony for many years had it not been for the pernicious influence of the Western Federation. But nondiscrimination is no part of the plans of this organization, and the 1894 trouble was scarcely over before the federation started its campaign for the unionization of the Cripple Creek district, of which the present strike is the sequel. The contest has been along the usual lines. The federation has been militant, tireless, and criminal. The operators, satisfied with the results they were getting, careless of the condition into which they were drifting, and with no concrete or effective organization, were in no position to offer any effective resistance. The peace officers of the county, elected by union votes and often selected from the union membership, closed their eyes to crimes committed in the name of unionism.

The list of crimes committed in the Cripple Creek district during the past few years for the purpose of intimidating men into joining the union or leaving the district: Martin Gleason, superintendent of the Wild Horse mine, who had incurred the enmity of the union, was found in the bottom of a deserted shaft with his head crushed in; numerous men have been taken from their homes or have been waylaid going to or from their work and beaten up, sometimes almost to the point of death. A partial list of these crimes, all committed in the supposed interests of unionism, has been published and is appended hereto. This list can be fully authenticated. No serious effort has ever been made by the peace officers to put a stop to this class of crimes, and the men engaged in them have been immune from punishment. In the fall of 1901 the union posted notices throughout the district calling on all men who were working in the district to join the union, and stating that any who failed to do so would have to suffer the consequences. This is an admonition the meaning of which is well known wherever the Western Federation has gained a foothold. At this time the beating up of men and kindred crimes went on at an alarming rate. It was the purpose of the union at this time to demand the unionization of the district, and for a considerable time Cripple Creek stood on the verge of a general strike. The operators met and posted notices at their mines that unless the beating up of men ceased the federation would be held personally responsible for them. A strike was averted.

The present trouble in the Cripple Creek district had its beginning in May, 1903. At that time Article V, section 1, of the constitution of the federation contained the following provision:

"It shall be unlawful for any union to enter upon a strike unless ordered by three-fourths of its resident members in good standing voting."

At this time the men in the mines were thoroughly satisfied with their wages, hours, and conditions of employment, and had the matter of calling a strike been submitted to them, it would have been voted down almost unanimously. An indirect attack was therefore made through the mills treating Cripple Creek ore. A strike was called on these mills, which extended over a considerable period of time and in the course of which the militia was ordered

to Colorado City. While the executive committee could not call a strike without submitting it to a vote of the men involved, this committee did have the power of establishing a boycott, and certain of these mills were declared unfair and the mines were ordered to discontinue shipments to them. Many of the mines had contracts with these mills, being the mills of The United States Reduction and Refining Company, and these mines were compelled to shut down. About this time, however, the mill strike was settled through the mediation of a commission appointed by the governor, and the Cripple Creek men were out but a few days.

Soon after the settlement of this strike the annual convention of the Federation met in Denver, and at this convention two radical changes were made in the policy of this organization:

1. The Federation adopted socialism and pledged the organization to the promotion of that doctrine.

2. They amended their constitution with reference to the calling of strikes. The provision above referred to was repealed, and the power to call a strike was lodged in the hands of an executive committee.

Soon after this the Federation set up the claim that the mills had not lived up to the terms of settlement, and an investigation was made by the commission previously appointed by the governor. The commission reported that the terms of settlement had been adhered to by the mills; but, notwithstanding this report, a second strike was called on the mills of the U. S. R. and R. Co. almost immediately, and on the 10th of August, 1903, the miners in the Cripple Creek district were called out in sympathy with the striking mill men; but this time the call included not only the men working in the mines which were shipping to the "unfair" mills, but in those which were shipping to "fair" mills or not at all as well. The thoroughness with which the Federation had succeeded in unionizing the mines is shown by the fact that within a few hours after the strike was called on August 10, 1903, not a wheel was turned in the entire district. It is admitted that had the constitution of the Federation not been amended as above outlined it would have been impossible to call this strike, as 90 per cent of the men would have voted against it.

Senator PATTERSON's paper, the Denver News, in commenting editorially on this phase of the situation, in its issue of September 28, 1903, among other things, says:

"In the first place, the News expresses the opinion that the strike was unwise and without sufficient justification. The miners' unions committed a fundamental blunder when, at the late national convention in Denver, they placed it in the power of the executive committee of the general organization to declare a strike and maintain it until the committee saw fit to call it off. An executive committee from several States can not have the close sympathy with each separate camp that men possessing such vast powers should, and men thus distantly separated, unless they possess most extraordinary wisdom and self-restraint, are liable to exercise such power without proper consideration. It is a conceded fact that when the strike was ordered there was never more cordial relations between the mine operators and their men. There was no grievance complained of by the Cripple Creek unions. Merely because another strike was on in a single mill miles away, the executive committee ordered the Cripple Creek strike, upon the theory that the mine operators, rather than suffer the loss incident to a forcible closing down of their mines, would help the executive committee coerce the offending mill at Colorado Springs. It is stated that the strike was ordered and inaugurated without consulting the 4,000 miners who went out. Loyal to their organization, the miners went out, hundreds of them regretting that loyalty to their organization required that they should. * * *

"The News believes that the different unions committed another grave blunder when they permitted them to be annexed to the socialistic political programme. Such unions should keep aloof from all political organizations; particularly should they shun a political organization whose avowed aim is to cultivate 'class consciousness,' that is, imbue its members with the conviction that the social and industrial bodies of the country must be arbitrarily divided into two classes, the capitalistic and the laboring classes, and that the former is the unrelenting enemy and oppressor of the latter. * * *

Up to the time the strike was called the mine operators of the Cripple Creek district had no effective organization, but they immediately organized and elected an executive committee, to which was confided the conduct of the strike. Inasmuch as no grievances had been lodged against them, and because the pretended grievance of the union was entirely beyond their control, there was no common ground upon which worker and owner could meet. So the Mine Owners' Association decided to immediately open their mines, giving preference to the men who had gone out on the strike, but announcing at the same time that unless old employees responded promptly their places would be filled.

The record of the Western Federation of Miners in the Cripple Creek district and elsewhere was carefully considered, and it was decided that the rule of this organization was detrimental and menacing both to employer and employee on account of the principles on which it was organized and the methods which it had adopted. The declaration of the mine owners with respect to the reopening of their mines was as follows:

"A general strike has been called on the mines of the Cripple Creek district by the executive heads of the Western Federation of Miners.

"At the time this strike was called, and, in fact, ever since the settlement of the labor difficulties of 1894, the most entire harmony and good will has prevailed between the employers and the employed in this district. Wages and hours of labor have been satisfactory and according to union standards, and general labor conditions have been all that could be wished.

"Notwithstanding all this the heads of the Western Federation have seen fit to compel the cessation of all labor in the district, not because of any grievance of their own against the Cripple Creek operators, but for reasons entirely beyond our control. No more arbitrary and unjustifiable action mars the annals of organized labor, and we denounce it as an outrage against the employers and the employed.

"The fact that there are no grievances to adjust and no unsatisfactory conditions to remedy leaves the mine operators but one alternative, and that alternative they propose to adopt fearlessly. As fast as men can be secured our mining operations will be resumed under former conditions, preference being given to former employees, and all men applying for work will be protected to the last degree.

"In this effort to restore the happy conditions which have so long prevailed we ask and confidently count on the cooperation and support of all our former employees who do not approve the methods adopted, as well as of the business men of the district, who are equal sufferers with us.

"In the resumption of operations preference will be given to former employees, as before stated, and those desiring their old positions are requested to furnish their names to their respective mines at an early date."

Among other work which had been stopped was the running of what is known as the "El Paso tunnel," an enterprise which was being carried into effect for the purpose of draining the mines of the district. It was not a mining enterprise in any sense of the word, and was in the nature of a public work, inasmuch as it would drain a large area of ground, open up well-known ore bodies, and furnish employment for hundreds of additional men. The fact that work was stopped on this tunnel shows conclusively that the pretended grievances of the federation against the mills was a mere subterfuge, and that the real purpose of striking was to unionize the Cripple Creek

district. This fact was admitted by Mr. Hayward, secretary and treasurer of the federation, in his Labor Day speech, delivered soon after the strike was inaugurated.

As an initiative in the direction of resuming operations, the mine owners concluded to complete this tunnel. The sheriff was asked to meet the executive committee of the Mine Owners' Association for the purpose of going over the situation that the latter might know what protection could be expected for men who went to work; and he did so meet them, but expressed considerable reluctance so to do, and stated at the inception of the meeting that he was a union man, and the whole trend of his conversation showed that his sympathy was in that direction. As a matter of fact, the sheriff of the county is a member in good standing of District Union No. 40, and was selected for his position on that account. Prior to the commencement of the strike he had issued deputies' commissions to almost every pronounced labor leader in the district.

With 4,000 men out on strike but two regular deputy sheriffs were appointed in addition to the usual force. From the attitude of the sheriff it was plain that no adequate protection could be expected from that source. He refused to swear in more than two or three deputies, who were to be mere watchmen on the properties, and with only this limited protection it would have been utterly futile to have endeavored to resume operations, and men could not be secured to go to work, feeling that their lives were in danger.

After ascertaining that no such protection would be offered by the sheriff's office as would enable them to secure men for the work in hand, the operators decided to take care of this phase of the situation themselves, and on about the 20th of August 50 armed men, as guards, and enough miners to continue the work on the tunnel were thrown into the El Paso mine and operations were immediately resumed. The sheriff sought advice as to whether or not it was within his power to disarm these guards, and was informed that he could not do so. The work on the tunnel progressed rapidly, and, assured of protection, men were not only secured to complete same but to man the El Paso mine, which is adjacent thereto, as well.

After the work on the tunnel was well under way the operators took steps to open other properties, but it was impossible to do so under the same conditions as prevailed at the El Paso, both because of the immense expense which would have been attendant upon such a course and because the conditions surrounding other mines were not such that workmen and guards could be housed and provisioned within the limits of the property. It was therefore decided to endeavor to open the Golden Cycle mine with a limited guard, the workmen going to and from their homes.

No sooner was this attempt made than a system of picketing was established at this property, the pickets being in charge of union leaders, who carried deputy sheriffs' commissions. Not only were intimidations and threats used, but firearms were brought into play to prevent men from going to work.

On about September 1 one J. T. Hawkins, a justice of the peace, was assaulted in the town of Altman in broad daylight and brutally beaten up, the reason for this assault being a decision made by him which was obnoxious to the union.

On the same night a Mr. Stewart, a man nearly 60 years of age, who had been working on the Golden Cycle mine as a nonunion carpenter, was taken from his house by five masked men, was brutally beaten up, and was finally shot in the back. Although he recovered, his life at the time was despaired of.

The sheriff took no measures to apprehend the perpetrators of these deeds, or to prevent union pickets from interfering with workmen. Through the efforts of the superintendent of the Golden Cycle mine, one Ed Minster was arrested for the crime of shooting old man Stewart and assaulting Hawkins. He was placed in charge of the sheriff in the county jail. The district attorney was out of town, but returned that evening, and the next morning telephoned the sheriff's office that he was preparing information against Minster for assault with intent to kill, and that the mittimus would be placed in the hands of the sheriff within fifteen minutes. Before the mittimus could be issued, Minster was released and has never since been apprehended, although it was generally understood he was about the district for some days after his release. The only excuse given for the release of Minster was the statement of the deputy sheriff who said he did not "want to offend a whole raft of people." Minster is still a fugitive from justice.

It was after these occurrences that the mine owners, realizing that their property and the lives of their men were in jeopardy, and that men could not be secured to go to work under these circumstances, determined to call upon the governor for troops unless the sheriff could offer some substantial assurance of assistance. The sheriff was asked to meet the executive committee of the Mine Owners' Association, and did so with some reluctance, but would give them no assurance of protection, and in effect admitted that he could not control the situation. He however agreed to look over the situation and to meet the executive committee later in the day. Several efforts were made to bring about this meeting, and the sheriff at length flatly refused to keep his engagement. It was then that representatives of the association were sent to him and a demand made that he ask the governor for troops. This he flatly refused to do, and the request was therefore made by the Mine Owners' Association, by the Citizens' Alliance of Cripple Creek, and by the mayor of Victor. The telegram sent the governor by the association discloses the grounds upon which this request was predicated, and I therefore copy it in extenso.

"His Excellency JAMES H. PEARBODY,
Governor of Colorado, Denver, Colo.

"SEPTEMBER 2, 1903.

"SIR: A condition has arisen within the Cripple Creek mining district which constrains us to call upon you for the State troops for the preservation of the property, peace, and good order of the district. Ever since the present strike in the district was called by the Western Federation of Miners they have pursued a policy of threats and intimidation to prevent men desirous of going to work from pursuing their usual vocations. This action of the Western Federation culminated on yesterday in the display of violence in a number of instances.

"On yesterday morning large bodies of men congregated at the Golden Cycle mine and by threats and violence attempted to prevent men from going to work on that property, going to the extent of backing their threats by the display of weapons. At high noon, in the town of Altman, one J. T. Hawkins, a justice of the peace, was brutally assaulted, the reason therefor being that he had rendered a decision in a criminal case obnoxious to the members of the union.

"On last night one Thomas M. Stewart, a nonunion employee of the Golden Cycle mine, was taken from his home in Independence at about 8 o'clock by five masked men and was then brutally assaulted and afterwards shot. He now lies in the hospital at the point of death. The reasons for these assaults, as stated by the assailants and bystanders, were that the union had seen fit to designate these men as 'scabs' and 'scab protectors.' At 2 o'clock this morning one of the guards at the El Paso mine, while pursuing his duty in the protection of that property, was fired upon by unknown men, who made their escape. For all these offenses but one arrest has been made, that being the party who displayed the gun at the Golden Cycle mine yesterday morning.

"We have certain information that a large number of desperate char-

acters have recently come into the district, many of whom were leaders of the Cripple Creek strikers and rioters in 1891, and whose purpose in coming can only be to do mischief. After a thorough canvass of the situation, we are absolutely convinced that the sheriff's office is wholly incapable of handling the condition which has arisen, and that unless you grant us the protection asked this condition will be continued and a reign of terror inaugurated in the district which will result in great loss of both life and property. The sheriff has been asked to call for your intervention, but has declined to do so, notwithstanding that his active force of deputies consists of but two more men than are maintained in times of quiet, and notwithstanding that it is clearly apparent that his office is wholly incapable of meeting the present emergency."

Before sending the troops the governor of the State sent a commission consisting of General Chase, Major McClelland, and Attorney-General Miller to investigate as to the necessity therefor, and it was on the recommendation of this commission that the troops were finally sent. It has seemed necessary to go into all these matters somewhat fully, both for the purpose of showing the motives of the Mine Owners' Association in combating the Western Federation of Miners and the conditions which actuated the governor in calling out the militia.

The mine operators claimed from the start that the men who left their employment were not in sympathy with the strike, and that they only needed protection to return to work. The results which followed the calling of the militia fully vindicated their contention in this respect, for within six weeks after the effort was made to open the mines every mine in the district that desired to work was running with its full complement of men. These men were not imported strike breakers, but consisted almost entirely of such non-union men as were in the district and union men who were opposed to the methods of the Federation. Out of some 3,000 men that have been put to work under the auspices of the Mine Owners' Association but 150 were brought in from the outside.

The fight of the Mine Owners' Association against the Western Federation of Miners is not a contest against labor unions, but it is a contest against a particular organization, which the mine owners believe to be vicious and criminal and a menace, not only to their interests, but to the interests of the men who desire to work without molestation.

The grounds of this opposition are tersely set forth in an interview given out by the secretary of the association on October 17. In this interview these grounds are enumerated as follows:

"1. They have twice during the past six months called out over 4,000 men in the Cripple Creek district, not one of whom had a complaint to make as to the hours of labor, the wages paid, or the working conditions in the Cripple Creek district. Their pretended grievances were wholly beyond our control.

"2. These men were called out without notice to the mine owners and without consulting the men involved, 90 per cent of whom were opposed to the strike. Where the strike power of a labor organization is lodged in the hands of a few men who can exercise it without regard to the wishes of the members of the organization and at the dictates of selfishness and caprice, such an organization is a menace to industry as represented both by capital and labor.

"3. The Western Federation of Miners is more a political than a labor organization and has declared openly for socialism. It teaches that the employer and employee are natural enemies. We believe that the employer and the employee are natural friends and should work together for their mutual advantage, and that any organization which endeavors to engender strife, hatred, and opposition between the employer and the worker is the enemy of both.

AS TO LABOR AND WEALTH.

"4. The Western Federation of Miners prints the following on its union cards: 'Labor produces all wealth. Wealth belongs to the producer thereof.' No comment is necessary on this proposition further than to say that Cripple Creek is a high-grade camp, and that ore stealing runs into the hundreds of thousands of dollars annually.

"5. The Western Federation is not only vicious in its principles, but criminal in its methods. The boycott and the sympathetic strike are among the least pernicious of the means adopted by it to achieve its ends. In addition to this, resort is had to the whole gamut of crime from threats and intimidation to deadly assaults and the destruction of property. It is un-American in its principles and a menace to society.

"The constitution of the federation provides, among other things: 'We declare more especially our object to be * * *

"Ninth. To demand the repeal of conspiracy laws that in any way abridge the right of labor organizations to promote the general welfare of their membership.'

"This provision speaks for itself. It can only mean that this very organization demands from the legislature immunity from punishment for the class of crimes to which such frequent resort has been had in the past."

As above stated, as soon as the militia entered the district and offered the men desiring work the protection necessary, matters immediately began to assume their normal condition.

Prior to the coming of the militia the district had become the resort for criminal characters; but when the militia arrived, and after some arrests had been made, this class of people immediately began to leave. The only persons arrested and retained for any considerable length of time by the military were Sherman Parker, the president of District Union No. 1 and of the executive committee of the strikers, Charles McKinney, "Slim" Campbell, and one Lafferty. Writs of habeas corpus were applied for in behalf of these men, and on the proceedings which followed they were released. At the time of the hearing of the habeas corpus proceedings the Denver News referred to these persons as "men without a blemish on their name," although they were all known as criminal characters. Since their release their records fully vindicate the action of the militia in causing their arrest. Sherman Parker is now in the county jail, charged with the Vindicator explosion and the attempted train wrecking hereafter referred to. McKinney is in jail at Pueblo, Colo., charged with attempt to wreck a train on which nonunion men were returning from work. "Slim" Campbell soon after his release shot and killed a woman in Cripple Creek, and is now a fugitive from justice. Although this murder was committed in the most populous part of the district, the sheriff's office failed to apprehend him, although it had ample opportunity to do so. Lafferty has left the district, where he is now wanted by the authorities.

After the hearing on the habeas corpus and when men of the character of the above thought they had nothing to fear from the militia, a number of them again returned to the district, and while things were progressing smoothly on the surface and the mines were rapidly filling with men this criminal element, which dominates the federation, was not idle. On November 21, 1903, while Charles H. McCormick, superintendent, and Melvin Beck, shift boss, of the Vindicator mine, were going into the sixth level of the mine an infernal machine was exploded, from the effect of which both men were killed. This is the explosion referred to in Senate resolution No. 50. That it was a diabolical assassination, committed by the most hardened criminals, no one who has investigated the circumstances surrounding it can doubt. The

headlines of the Denver News, in referring to this assassination, are as follows:

"Assassin in camp—Superintendent and boss of the Vindicator mine blown to atoms by infernal machine at 600-foot level—Clues which seem to make certain that explosion was result of foul play."

And in its issue of November 25 the headlines of the same paper state:

"Fragments of infernal machine furnish undeniable evidence in Vindicator mine atrocity—Undoubted proof at coroner's inquest that death of Vindicator employees was result of foul play."

The news matter following these headlines fully established what they stated.

The above-mentioned resolution says that this assassination was investigated by a coroner's jury composed of "good, law-abiding citizens of Teller County, who, after a most careful, painstaking, and impartial investigation, did officially report that they were unable to determine whether said explosion occurred by accident or design."

To be sure, this assassination was investigated by a coroner's jury, but this jury was selected in the same manner as other official acts by the civil authorities of Teller County have been done. It was well known before the evidence was taken that this jury would protect the union in their investigation, if that were possible, for a goodly proportion of them were union men (according to the Denver News, one-half of them) and the others were well-known union sympathizers. Even with such a jury the verdict was of an absolutely negative character, and is as follows:

"We, the jury, find that Charles McCormick and Melvin Beck came to their death on the 21st day of November, 1903, at 11 a. m., from the effects of an explosion at the station of the sixth level of the Vindicator mine, located in the Cripple Creek mining district. From the examination made at the mine and the evidence introduced the jury is unable to determine the exact cause of the explosion."

"CHAS. KETTELSON, Foreman."

Among the members of this coroner's jury was one Dan Griffith, who has been president of and is now financial secretary of Victor Miners' Union, No. 32, and who is known as one of the most active labor agitators in the whole district. It is only necessary to mention this instance to show what the character of this "impartial" investigation really was. Even the sheriff of the county, whose union sympathies are well known, in his testimony before the coroner's jury, gave it as his opinion that the killing of these two men was an intentional assassination. At the same time that the coroner's jury was making its investigation, and on the same evidence, Lyman White, the State inspector of metalliferous mines, made an investigation and reached a conclusion that this explosion was a deliberate design to destroy life and property. In fact, there is not a circumstance surrounding this calamity save such as point to a direct and deliberate assassination of McCormick and Beck, and the verdict of the coroner's jury, noncommittal as it was, created almost as much indignation as did the assassination itself.

Another crime which was attempted, but which was not carried into effect, and which the resolution referred to fails to mention, was attempted about this time. On Saturday night, the 14th day of November, 1903, Charles McKinney and one Foster attempted to wreck a train on the Florence and Cripple Creek road about 3 o'clock in the morning. This was the train which gathers up the men from the night shift throughout the district and carries them into Cripple Creek. On the night mentioned, however, there was a ball at Victor, and in addition to its usual load of nonunion men there were probably 100 men, women, and children returning from this ball. The place where the attempt was made was on a sharp curve and over a precipice down which the train would have been thrown at least 200 feet. The tools used by the train wreckers did not work properly, and on this occasion they failed to accomplish their purpose.

A second attempt of the same character was made on the night of the 16th, but the plot was discovered, and after McKinney and his companion had succeeded in removing all the spikes and plates from the rail, warning was given to the train, and later the culprits were arrested. McKinney has confessed to this attempt at train wrecking and says in his confession he was offered \$500 by Sherman Parker, the president of the executive committee of the strikers, for so doing. Parker gave McKinney's companion money with which to leave the district. In this attempt at train wrecking Mr. Davis, another active union leader, is implicated. Had this attempt been successful from 100 to 200 persons would have lost their lives. It was these crimes and a general condition of lawlessness in the district and the presence of a large number of criminal characters, which could only have resulted in further bloodshed and loss of property, that induced the governor to declare Teller County in a state of insurrection and thereby suspend the writ of habeas corpus. The effect upon the district and upon the lawless characters has been most marked.

The resolution above referred to gives certain statements attributed to Adjutant-General Bell and says that they were "issued by him for the government of the militia in the field in said Teller County." This is entirely erroneous. General Bell did indulge in certain statements, among them those attributed to him in the resolution, but they were not issued as a proclamation, and were not issued for the government of the militia in the field in Teller County, and, as he afterwards stated, were not given for publication. They merely embodied his conception of what constitutes military law and had no bearing upon the Cripple Creek situation whatsoever. As a matter of fact, ever since the governor's proclamation was issued, Colonel Verdeckberg has been in charge of the militia, and the only proclamation ever issued for the government of the military forces in Teller County in connection with the governor's proclamation was issued by him. This proclamation was as follows:

PROCLAMATION.

HEADQUARTERS TELLER COUNTY MILITARY DISTRICT,
CAMP GOLDFIELD, VICTOR, COLO., December 5, 1903.

The district of Cripple Creek, in Teller County, State of Colorado, now being in possession of the military forces of the State of Colorado, who have come to restore order, maintain public tranquility, enforce peace and quiet under the laws and Constitution of the United States and the State of Colorado, the colonel commanding the military forces of the State of Colorado in the Teller County military district, by order and authority of the governor and commander in chief of the State of Colorado and the National Guard of Colorado, makes known and proclaims the object and purposes of the government of the State of Colorado in thus taking possession of the Teller County military district and the rules and regulations by which the laws of the United States and the State of Colorado will be, for the present and during a state of insurrection and rebellion, maintained for the plain guidance of all good citizens of the United States and the State of Colorado, as well as others who may have been in a state of insurrection and rebellion against its authority.

"There exists in Teller County, State of Colorado, one or more organizations controlled by desperate men, who are intimidating the civil authorities and who are setting at defiance the constitution and laws of the State of Colorado, so that the citizens of said county of Teller, by reason of threats, intimidations, and crimes committed by certain lawless persons in said county, are unable to enjoy their civil rights, in the judgment of the commander of the military forces holding it, and it is now found to be necessary to preserve

order and maintain quiet by the administration of military authority. The military district commander, therefore, will cause the county to be governed, until the restoration of municipal authority and his further orders, by military authority, as a measure for which it would seem the previous recital furnishes sufficient precedent.

"All persons in possession of arms, equipments, and munitions of war of any description are required to surrender the same on or before 12 o'clock noon, Tuesday, December 8, 1903, to the military district commander, taking his receipt for same. Any person or persons failing to surrender the said arms, equipments, and munitions of war will be arrested and confined in military prison, and further punished as occasion may require.

"All persons well disposed toward the good government of the county and State will receive the safeguard and protection in their persons and property of the military forces of the State of Colorado, and will be protected in their persons and property as heretofore under the laws of the United States and the State of Colorado.

"All persons who may heretofore have given aid and solicitation to any of the heretofore-mentioned organizations, or have been in their service, who shall return to peaceful occupation and preserve quiet and order, holding no further correspondence nor giving aid nor comfort to the heretofore-mentioned organizations will not be disturbed either in person or property, except so far, under the orders of the military district commander, as the exigencies of the public service may render necessary. All rights of property of whatever kind will be held inviolate, subject only to the laws of the United States and the State of Colorado. All inhabitants are enjoined to pursue their usual vocations; all shops and places of business are to keep open in the accustomed manner, as in times of profound peace. Keepers of all public houses and drinking saloons will be held responsible for all disorder and disturbance of the peace arising in their respective places.

"A sufficient force will be kept in the country to preserve order and maintain the laws. All disorders and disturbances of the peace, done by combinations and numbers, and crimes of an aggravating nature, interfering with the military forces or the laws of the State of Colorado, will be referred to a proper authority for trial and punishment; other misdemeanors will be subject to the municipal authority, if it chooses to act. Civil causes between party and party will be referred to the ordinary tribunals.

"No publication, either by newspaper, pamphlet or handbill, reflecting in any way upon the United States and the State of Colorado, or its officers, or tending in any way to influence the public mind against the Government of the United States and the State of Colorado, will be permitted; and all articles of news or editorial comments or correspondence making comments upon the action or actions of the military forces of the State of Colorado or the organizations above referred to will not be tolerated.

"The military forces of the State of Colorado came here not to destroy but to make good, to restore order and the government of laws in place of the passions of men. To this end, therefore, the efforts of all well-disposed persons are invited to have every species of disorder quelled, and if any soldier of the military forces of the State of Colorado should so far forget his duty or his obligation as to commit any outrage upon any person or property the military district commander requests that his name be instantly reported to him, so that he may be punished and his wrongful act redressed.

"All assemblages of persons in the street, either by day or night, tend to disorder and are forbidden.

"And, finally, it may be sufficient to add, without further enumeration, that all the requirements of order and good government will be imposed so long as in the judgment of the Colorado authorities it may be necessary.

"And while it is the desire of these authorities to exercise this government mildly, it must not be supposed that it will not be vigorously and firmly administered as occasion calls.

"By command of Colonel Verdeckberg.

"(Signed)

H. M. LIBBY,

"First Lieutenant and Adjutant,
"First Infantry, First Brigade, N. G. C.,
"Adjutant of the District."

"HEADQUARTERS TELLER COUNTY MILITARY DISTRICT,

"CAMP GOLDFIELD,

"Victor, Colo., December 7, 1903.

"GENERAL ORDERS, NO. 2.

"The date mentioned in proclamation dated these headquarters December 5, 1903, on which all arms, equipments, and munitions of war are to be surrendered to the military district commander at 12 o'clock noon, Tuesday, December 8, 1903, is modified and extended to read 12 o'clock noon, Saturday, December 12, 1903.

"By command of Colonel Verdeckberg.

"(Signed)

H. M. LIBBY,

"First Lieutenant and Adjutant,
"First Infantry, First Brigade, N. G. C.,
"Adjutant of the District."

This proclamation, moderate in its utterances, has been administered with equal moderation. The number of arrests made under it have been but few, and in a very large majority of cases where arrests have been made information have been filed against the parties arrested in the district court and the prisoners turned over to the civil authorities.

We believe that a careful investigation of all the facts will show conclusively that Governor Peabody not only acted properly in sending the troops into the field, but that the conduct of the troops while in the field has been above reproach. Too much credit can not be given to Governor Peabody for his brave and patriotic stand in connection with these matters. The times were trying and the conditions critical, and had not the governor acted promptly it is hard to conceive what the result would have been.

If the military has been guilty of any indiscretions they have not been such as reflect upon the personal rights and privileges of citizens, and it is to be regretted that the real controversy should be hidden by sensational journalism, which has brought to the fore matters that were in no way germane to the real issue.

The conditions surrounding the Cripple Creek and Telluride mining districts and the action of the governor in sending the troops into these sections has been examined into by Maj. Gen. J. C. Bates, of the United States Army, at the instance of President Roosevelt. His report to Lieutenant-General Young, Chief of Staff of the Army, is as follows:

"I find that the disturbances at Cripple Creek and Telluride amounted to insurrection against the State of Colorado in that mining, milling, and other business was suspended there by reason of intimidation, threats of violence, and that the civil officers were not able to, or did not, maintain order.

"The militia of the State has been employed and is now employed at Cripple Creek and Telluride. I think the employment of the State troops necessary at both these points, and that they are now giving proper protection to life and property. At Cripple Creek work has been resumed at the mines, and at Telluride one mine has resumed operations, and owners inform me they propose to open other mines as rapidly as they can secure workmen. It is probable that military guards will have to be maintained at the points

mentioned for some time, but I understand it is the intention to reduce the force as rapidly as circumstances will warrant, though in my opinion no material reduction can safely be made for some months. At this time United States troops are not needed.

"There is an unsettled condition at the coal mines both in the Trinidad, or southern, district and in the New, or northern, district which may develop into such disorder as to require the use of troops. Should this occur while the whole available force of State troops is employed at Cripple Creek and Telluride, which is now the case, I think Federal troops will then be needed. At present I understand no violence is being offered in the coal districts. But little coal is now being mined in the Trinidad district and none in the northern district. Efforts are being made to increase the output from the former and to open up the northern mines.

"I learned of no conditions, such as interfere with the United States mails, etc., that would make it the duty of the Federal Government to interfere without application from State authorities."

This independent investigation fully vindicates the course adopted by Governor Peabody.

The investigation proposed by the above resolution is for the purpose of ascertaining "whether or not there is at present a republican form of government in this State (Colorado) and in the several counties thereof."

If such an investigation were inaugurated, it would be found that for a long time past in many sections of this State there has not been an independent government, not because of any action of the governor of Colorado or of the militia of the State, but because these sections have been dominated and controlled by the Western Federation of Miners. Peace officers, and sometimes courts, have been under their sway; the fundamental rights of life, liberty, and the pursuit of happiness have been denied.

The man who contended for the privilege of working and of selling his time to the best advantage possible, unless he did so under the dictates of the union, has had no rights which the union felt bound to respect.

From the Coeur d'Alenes to the San Juan this organization has left a trail of coercion, intimidation, violence, and bloodshed. But these conditions are in a fair way to be remedied. And when peace shall have been finally restored in Colorado, when law and order again prevail in every mining district in this State, and when every man shall feel safe to pursue his vocation without fear of assault and assassination, then, and not till then, will this State enjoy a republican form of government in the fullest and broadest sense of that term. But this result is in a fair way of accomplishment, and when it is accomplished it will be due, almost entirely, to the fearless and patriotic stand taken by the governor of this State in upholding the supremacy of the law.

C. C. HAMLIN,

Secretary Mine Owners and Operators' Association,
Cripple Creek, Colo.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 7849) to authorize the county of Poinsett, in the State of Arkansas, to construct a bridge across the St. Francis River at or near the town of Marked Tree, in said county and State, reported it with an amendment.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 703) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo., reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 2382) providing for the resurvey of certain townships in Routt and Rio Blanco counties, in the State of Colorado, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1487) creating an additional land office in the State of North Dakota, reported it with an amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1635) for the extension of M street east of Bladensburg road, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 2559) granting a pension to James Graham, reported it with amendments, and submitted a report thereon.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1358) granting an increase of pension to William W. Lackey;

A bill (S. 1356) granting a pension to Robert Kelly; and

A bill (S. 2576) granting an increase of pension to James Redshaw.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 38) granting an increase of pension to Miriam R. Adams; and

A bill (S. 2068) granting an increase of pension to Julia A. Roberts.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (S. 2061) granting an increase of pension to William H. Barlow, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Select Committee on Industrial Expositions, to whom was referred the bill (S. 276) to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country by Capts. Meriwether Lewis and William Clark during their expedition from the Mississippi River to the

Pacific Ocean in the years 1804, 1805, and 1806; and to authorize a commission representing the United States to hold at the city of Portland, in the State of Oregon, a national, international, and oriental exhibition of arts, industries, manufactures, and the products of the rivers, soil, mine, forest, and sea, in said State; and to provide and assist in the erection of a memorial building in said city of Portland to be known as the Lewis and Clark Memorial Building; and to authorize an appropriation for all said purposes, reported it with amendments, and submitted a report thereon.

COTTON-BOLL WEEVIL AND DISEASES OF ANIMALS.

Mr. HALE. I report from the Committee on Appropriations a small deficiency bill, a House bill, which I ask may now be considered and passed. It is the bill (H. R. 9160) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904," approved March 3, 1903.

The Secretary read the bill, as follows:

Be it enacted, etc., That so much of the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904," approved March 3, 1903, as relates to the emergency appropriation to enable the Secretary of Agriculture to stamp out and eradicate the foot-and-mouth disease and other contagious diseases of animals, to be used for no other purpose, be, and the same is hereby, amended to read as follows:

"Emergency appropriation: To enable the Secretary of Agriculture to stamp out and eradicate the foot-and-mouth disease and other contagious diseases of animals, and to meet the emergency caused by the ravages of the Mexican cotton-boll weevil and other insects and diseases affecting cotton, and for no other purposes, \$500,000, which sum shall remain available until the close of the fiscal year 1905: *Provided,* That of this sum not to exceed \$250,000 may be expended by the Secretary of Agriculture in such manner as he shall deem best, in cooperation with State experiment stations and practical cotton growers if the Secretary of Agriculture shall deem it advisable, to meet the emergency caused by the ravages of the Mexican cotton-boll weevil and other insects and diseases affecting cotton, and the remainder of the \$500,000 herein appropriated (not less than \$250,000, however) shall be used exclusively to stamp out and eradicate foot-and-mouth disease and other contagious diseases of animals."

The Senate, by unanimous consent, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEARING BEFORE THE COMMITTEE ON MANUFACTURES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HEYBURN on the 11th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before the Committee on Manufactures on the bill (S. 198) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3366) granting an increase of pension to Isabel Hyde (with an accompanying paper);

A bill (S. 3367) granting an increase of pension to Jonathan Baker (with an accompanying paper);

A bill (S. 3368) granting an increase of pension to William H. Little (with an accompanying paper); and

A bill (S. 3369) granting an increase of pension to James S. Cox.

Mr. BEVERIDGE introduced a bill (S. 3370) for the relief of Mollie E. Amende and Mattie Knott, heirs of Adaliza Snodgrass, deceased, late of Cynthiana, Ky.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MALLORY (by request) introduced a bill (S. 3371) to relinquish to the State of Florida title to all of the naval reservation lying outside the walls of the navy-yard on Pensacola Bay; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. STEWART introduced a bill (S. 3372) granting a pension to Mary O'Brien; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3373) granting a pension to Eliza Williams; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURTON introduced a bill (S. 3374) granting an increase of pension to Henry Frazier; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3375) granting an increase of pension to William H. Boyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BARD introduced a bill (S. 3376) to authorize the Secretary

of the Interior to acquire for the Government, by exchanges of public lands, the ownership of the private lands within certain public parks in the State of California; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SCOTT introduced a bill (S. 3377) granting an increase of pension to John M. Tyree; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 3378) granting an increase of pension to Jacob H. Heck; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3379) to amend section 66 of the act of June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 3380) to amend section 3893 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 3381) granting a pension to Mary Gembe; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3382) granting an increase of pension to George W. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 3383) for the relief of Adelaide E. Grant and Alice Adelaide Grant; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3384) for the relief of the heirs and legal representatives of those civilian employees of the Government who were killed by the explosion of gunpowder and 13-inch shell at the United States naval magazine, Iona Island, New York; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3385) granting an increase of pension to John A. Blair; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 3386) for the relief of Charles Seymour; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 3387) for the relief of the estate of F. Z. Tucker, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3388) to remove the charge of desertion from the military record of John Gibbons; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3389) granting an increase of pension to Joel V. Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3390) granting a pension to Emily E. Cram;
A bill (S. 3391) granting a pension to Effie Sullivan;
A bill (S. 3392) granting an increase of pension to Cyrus N. Bradley;

A bill (S. 3393) granting an increase of pension to Joseph Porter;
A bill (S. 3394) granting an increase of pension to Joseph B. Crawford;

A bill (S. 3395) granting a pension to A. O. Doolittle;
A bill (S. 3396) granting a pension to Halle W. Dale;
A bill (S. 3397) granting an increase of pension to George B. Christy;

A bill (S. 3398) granting an increase of pension to Alexander R. Fuller;
A bill (by request) (S. 3399) granting a pension to Esther M. Noah; and

A bill (S. 3400) to amend the act entitled "An act granting a pension to Flora Stanton Kalk," approved February 25, 1899.

Mr. ALLISON introduced a bill (S. 3401) for the relief of Florence Lambert; which was read twice by its title, and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 3402) for the relief of Oak Grove Methodist Church, at Reams Station, in Dinwiddie County, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3403) granting an increase of pension to Augustus C. Paul; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 3404) granting a pension to Michael Handlin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3405) granting an in-

crease of pension to Mary F. Pentzer; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Mary F. Pentzer, widow of Patrick H. Pentzer, late captain of Company C, Ninety-seventh Regiment Illinois Infantry, together with the affidavits of Dr. N. F. Terry, David Mayes, Mrs. Kate R. Little, and R. B. Spencer. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3406) granting an increase of pension to Amanda D. Penick, and for other purposes; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of Mrs. Amanda D. Penick, together with the affidavits of Drs. S. F. Carpenter and Jacob Geiger, J. S. Brown, E. E. Loan, and H. K. White, also letters from the War Department and Pension Office. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3407) granting an increase of pension to James H. Karr; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of James H. Karr, together with the affidavits of Dr. E. P. Vaughtan and Elisha Darby, and a copy of military record. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HEYBURN introduced a bill (S. 3408) granting a pension to Lizzie Breen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 3409) to empower the Secretary of War to allow burial of wives of deceased enlisted men in the national cemeteries in the same burial lot as deceased soldiers; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. CLAPP submitted an amendment authorizing the Chipewa Indians of the State of Minnesota to dispose of the timber on their respective allotments, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CARE OF DELINQUENT AND DEPENDENT CHILDREN.

On motion of Mr. GALLINGER, it was
Ordered, That House of Representatives Document No. 355, Fifty-eighth Congress, second session, "Care of delinquent and dependent children in the District of Columbia," be printed as a Senate document, and that 500 extra copies be printed for the use of the Committee on the District of Columbia.

CALIFORNIA STATE CLAIMS.

Mr. PERKINS submitted the following resolution; which was referred to the Committee on Claims:

Resolved by the Senate, That the bill (S. 3233) entitled "A bill to refer to the Court of Claims the war claims of the State of California," now pending in the Senate, together with all the papers which in any wise relate thereto, be, and the same are hereby referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887 (24 U. S. Stats. 505); and the said court shall proceed with the same in accordance with the provisions of said act and report to the Senate in accordance therewith.

REVOLUTION IN PANAMA.

Mr. STONE. I submit a resolution and ask that it be read and then that it lie on the table, subject to my call. I shall submit some remarks upon it hereafter.

The resolution was read, as follows:

Resolved, That the Committee on Foreign Relations be, and hereby is, authorized and directed to make inquiry into the facts relating to the revolution in Panama of November 3, 1903, which resulted in establishing the Republic of Panama, and particularly to inquire with reference to any action or part taken in said revolution and in the organization of the said Republic by the Government of the United States, or by any official, civil or military, of the United States; and that pending the consideration by the Senate of the treaty for the construction of the Panama Canal, known as the Hay-Bunau-Varilla treaty, the said committee shall proceed promptly with said inquiry, and upon the completion thereof, and on or before the 1st day of May, 1904, said committee shall report to the Senate the testimony taken and its conclusions thereon.

Said committee is authorized to send for persons and papers, to administer oaths, to compel the attendance and take the testimony of witnesses, and to examine all books, papers, and documents that may be needed for the purpose of said inquiry.

The PRESIDENT pro tempore. The Senator from Missouri asks that the resolution may lie on the table subject to his call. Is there objection? The Chair hears none.

Mr. CULLOM. The resolution will have to go to the Committee on Contingent Expenses at some time.

The PRESIDENT pro tempore. But the Senator from Missouri asks that it lie on the table for the present subject to his call.

Mr. CULLOM. So I understand.
The PRESIDENT pro tempore. The Chair hears no objection to the request.

REMOVAL OF SNOW AND ICE.

The bill (H. R. 9866) making appropriations for clearing the Potomac River of ice, and for the removal of snow and ice in the District of Columbia was read twice by its title.

Mr. ALLISON. This is a bill of emergency as respects the situation here in the District. I have consulted with members of the Committee on Appropriations, and we think it ought to pass without delay. Therefore I ask unanimous consent for its immediate consideration.

The Secretary read the bill, as follows:

Be it enacted, etc., That the following sums are hereby appropriated, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, namely:

For clearing the Potomac River of ice within the District of Columbia, \$5,000.

For cleaning snow and ice from cross walks and gutters, under the act approved March 2, 1895, \$5,000.

The Senate, by unanimous consent, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ALLISON. I ask that the letters from the Commissioners of the District of Columbia may be printed in the RECORD in connection with this bill.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Iowa.

The letters referred to are as follows:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 7, 1904.

Hon. WILLIAM B. ALLISON,
Chairman of Committee on Appropriations, United States Senate.

SIR: The Commissioners of the District of Columbia have the honor to submit herewith a draft of a bill making an appropriation for clearing the Potomac River of ice, and recommend its immediate enactment.

The obstruction of the river by ice not only entails great loss and hardship to very extensive business interests, as shown in the accompanying petition, but in connection with the snow on its watershed and those of its tributary streams makes the Commissioners and the community in general apprehensive that the moderation of the weather, with rain, would result in a freshet which would cause the jamming of the ice in front of and immediately below the city, and involve the flooding of the lower portions of the city and injury to the bridges and other public works, as well as to private property. The Commissioners believe that the danger may be materially averted by the prompt use of tugboats and other appliances for breaking up the ice and opening gorges for the release of the accumulated ice and water.

The increase in the amount requested over that provided in former years is based on the probability that the earliness in the season of the present formation of the ice in the river renders it probable that it may be necessary to again open the ice in the harbor before the approach of spring. A further reason for the desired increase in the appropriation over the amount previously granted for the purpose is that experience has suggested the great advantage of attacking the ice farther below the city, in order to facilitate the outflow, than has heretofore been done.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 11, 1904.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a "joint resolution for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia."

The prompt enactment of this resolution is regarded by the Commissioners as urgent. The act making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1904, includes an appropriation of \$1,000 for cleaning snow and ice from cross walks and gutters. This appropriation is exhausted, in addition to which the Commissioners desire to call the attention of Congress to the fact that the act of March 2, 1895, which first authorized this appropriation, provided, in substance, that it should be the duty of the Commissioners, immediately after every fall of snow, to clear the cross walks to a width of 10 feet and the gutters to the width of 1 foot.

In the winter of 1902 the question whether this appropriation was available for the removal of snow and ice from the streets was submitted to the Comptroller of the Treasury, who decided the question in the negative, holding that as the language of the appropriation act did not include the word "streets," the money could be used only for the removal of snow and ice from the cross walks and gutters.

Experience in past years has shown that snowstorms are more prevalent in January and February than during any other winter months, and for that reason the amount asked in the inclosed draft of resolution is deemed to be a reasonable one.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

ADJUSTMENT OF POSTMASTERS' SALARIES.

Mr. BURROWS (by request) submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the various States and Territories, adjusted under the act of 1854, and the amount of salary of each such postmaster adjusted and paid under the act of

1864, so that the excess of 10 per cent or more of each computed salary under the act of 1854 over the salary paid under the act of 1864, or other act, ordered paid by the act of 1883, shall appear in each case in which application was made to the Postmaster-General for payment prior to January 1, 1887.

SAFETY APPLIANCES ON RAILROADS.

Mr. PATTERSON. I offer the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Colorado will be read.

The Secretary read as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate copies of all petitions and testimony received or taken by it relative to relieving common carriers by railroad from, or extending the time in which they shall comply with, any of the provisions of the safety-appliance acts approved March 2, 1893, and March 2, 1903; also copies of all orders made by the Commission with respect to said acts.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. KEAN. Mr. President, let that resolution go over. I should like to examine it.

The PRESIDENT pro tempore. Objection being made, the resolution will go over under the rule.

CHANGES IN RAILWAY TARIFF RATES.

Mr. QUARLES. I offer the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved, That the Interstate Commerce Commission is hereby directed to furnish the Senate, as speedily as may be practicable, a report showing the principal changes in railway tariff rates, whether resulting from the adoption of new rates or the amendment of freight classifications, and an estimate of the effect of such changes upon the revenues of railway corporations in the United States during each of the fiscal years ending June 30, 1900, 1901, 1902, and 1903, as compared with the revenue that would have been derived by them under the rates and freight classifications in force during the fiscal year ending June 30, 1899. And that said Commission also include in said report such estimate as may be practicable of the effect of such changes in rates and freight classifications upon the revenues of said railway corporations derived from the transportation of leading commodities, for example, iron and steel articles, coal, lumber, grain, flour, hay, and sugar, during the periods above mentioned.

Mr. GALLINGER and Mr. KEAN. Let that go over.

The PRESIDENT pro tempore. Objection being made, the resolution goes over under the rule.

TESTS OF SUBMARINE BOATS.

Mr. FOSTER of Washington submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to the Senate all reports and information of record in the Navy Department with respect to any tests that have been made during the year 1903 of submarine boats, not including the acceptance tests of such boats, if not incompatible with Government interests.

THOMAS KENNEDY.

Mr. CLAPP submitted the following resolution: which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Thomas Kennedy be employed by the Sergeant-at-Arms as laborer in the Senate folding room, at a salary of \$840 per annum, to be paid from the contingent expenses of the Senate, the said employment to take effect January 15, 1904.

COMPILED STATUTES, 1901, WITH SUPPLEMENT.

Mr. CLAPP submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to purchase from the West Publishing Company 100 copies of the Compiled Statutes of 1901, with the supplement for 1903, at a cost not to exceed \$18 per set.

That said statutes be supplied to the various Senate committees, and that any remaining be for the use of the Senate generally.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. Is there further morning business? If not, the Chair lays before the Senate the various resolutions and amendments thereto relative to an investigation of the Post-Office Department.

Mr. PENROSE. I ask unanimous consent for the consideration at this time of the bill (S. 255) for the relief of the Farmers and Mechanics' National Bank, Philadelphia, Pa.

Mr. MORGAN. I ask the Senator to allow that to be postponed for a moment. I think the order of morning business has not been completed. On the 11th of this month I offered a resolution, numbered 32, which was ordered to lie over and be printed. It has never been called since that time. Yesterday morning the entire morning hour was occupied by the morning business. I think I now have the right to ask that that resolution may be laid before the Senate.

The PRESIDENT pro tempore. By unanimous consent it was

agreed that after the conclusion of the routine morning business the resolutions known as the Post-Office investigation resolutions should be taken up.

Mr. MORGAN. May I ask, then, whether my resolution, in consequence of that unanimous consent, goes to the Calendar?

The PRESIDENT pro tempore. No; that resolution lies on the table. The recollection of the Chair is that the Senator, when he offered the resolution, asked that it lie upon the table subject to his call.

Mr. MORGAN. Oh, no; that is a mistake.

The PRESIDENT pro tempore. The Chair thinks it is well that the Senate should understand the position which the present Presiding Officer will take in reference to the resolutions, which are accumulating so rapidly on the table. A former Presiding Officer of the Senate ruled that resolutions were entitled to their hour in court, and under his ruling they were permitted to lie on the table until such time as an opportunity was afforded to lay them before the Senate. While the Chair sees in the rule nothing which perhaps might justify such a decision, yet, under all the circumstances, the Chair will hold that these resolutions are entitled to an hour in court and that they will lie on the table until the opportunity is afforded for a hearing upon them, each taking its turn in the order it has been offered.

Several SENATORS. That is right.

Mr. PLATT of Connecticut. What does the Chair mean by such resolutions having "an hour in court?" Does he mean sixty minutes or until 2 o'clock?

The PRESIDENT pro tempore. The Chair used the expression "an hour in court" as a mere technical phrase, only meaning thereby that if in any one morning during the morning hour a resolution had been considered and not completed, on the next day it would go to the Calendar.

FARMERS AND MECHANICS' NATIONAL BANK OF PHILADELPHIA.

Mr. PENROSE. Now, Mr. President, I renew my request that the Senate proceed to the consideration of Senate bill 255.

Mr. LODGE. What has become of the Post-Office resolutions? The PRESIDENT pro tempore. The Chair has laid the Post-Office resolutions before the Senate. They being before the Senate, the Senator from Pennsylvania [Mr. PENROSE] was recognized and asked unanimous consent for the present consideration of a bill.

Mr. PENROSE. It is a short bill, and I should like to have the Senate consider it.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

The Secretary read the bill (S. 255) for the relief of the Farmers and Mechanics' National Bank, Philadelphia, Pa., and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to issue to the Farmers and Mechanics' National Bank, Philadelphia, Pa., a duplicate in lieu of United States gold certificate of the act of March 14, 1900, series of 1900, No. 16454, for \$10,000, issued by the assistant treasurer of the United States, Philadelphia, Pa., on July 18, 1903, payable to the order of the Farmers and Mechanics' National Bank, Philadelphia, Pa., and alleged to have been lost, but the Farmers and Mechanics' National Bank shall first file in the Treasury a bond in the penal sum of double the amount of the principal of the said certificate, with good and sufficient sureties to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost certificate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE DEPARTMENT INVESTIGATION.

Mr. LODGE. I ask for the regular order, Mr. President.

The PRESIDENT pro tempore. The Chair lays before the Senate the regular order, being the various resolutions and amendments thereto relative to an investigation of the Post-Office Department, on which the Senator from Maine [Mr. HALE] has the floor.

Mr. GORMAN. Mr. President—

Mr. HALE. I was going to call the attention of the Senator from Maryland, who was not here yesterday, to the fact that I then stated that before the resolutions went to the committee I had some remarks to make—not extended—and I asked that the resolutions go over until to-day, holding their same place, to come up after the routine morning business. The debate on other matters consumed the whole time yesterday, and so I did not have an opportunity to get my figures into proper shape. I should like very much—I do not want to delay the reference of the resolutions—to have the resolutions go over until to-morrow morning, to keep their same place, to come up after the routine morning

business, and I promise the Senate there will be no further delay so far as I am concerned.

Mr. GORMAN. I have no objection to that.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the pending resolutions go over until to-morrow morning, to be taken up immediately after the routine morning business. Is there objection? The Chair hears none, and that order is made.

A. R. CRUZEN.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution heretofore submitted by the Senator from Tennessee [Mr. CARMACK], which will be read.

The Secretary read the resolution submitted by Mr. CARMACK on the 15th of December, 1903, as follows:

Resolved, That the Secretary of the Treasury be directed to inform the Senate whether any report has been made to the Treasury Department by L. Cullom, special agent of the Treasury, with respect to the conduct of A. R. Cruzen, collector of customs in Porto Rico; and, if so, to transmit the same to the Senate with a statement of what action, if any, has been taken thereon.

Mr. ALLISON. In the absence of the Senator from Tennessee, I ask that that resolution may go over without prejudice.

Mr. FORAKER. I should like to have the resolution again read.

The PRESIDENT pro tempore. The Secretary will again read the resolution.

The resolution was again read.

Mr. ALLISON. Let it go over without prejudice.

The PRESIDENT pro tempore. The Senator from Iowa asks that the resolution may go over, retaining its place.

Mr. CARMACK entered the Chamber.

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. CARMACK] is now here.

Mr. CARMACK. What is the resolution, Mr. President—the one I offered in relation to the collector of customs in Porto Rico?

The PRESIDENT pro tempore. That is the resolution.

Mr. CARMACK. Has that resolution gone over, Mr. President?

The PRESIDENT pro tempore. No; it has not. In the absence of the Senator from Tennessee, the Senator from Iowa asked that it might go over and retain its place.

Mr. CARMACK. Mr. President, I do not care to make any address to the Senate on that resolution. I wish simply to say—

Mr. FORAKER. I hope the Senator will not object to the resolution going over until to-morrow.

Mr. CARMACK. No.

Mr. FORAKER. I make that request, inasmuch as perhaps it pertains to a matter which is within the jurisdiction of the committee of which I am chairman. I should like to have it go over until to-morrow.

Mr. CARMACK. Very well, Mr. President.

The PRESIDENT pro tempore. The resolution will go over, then, by unanimous consent, retaining its place.

RELATIONS WITH COLOMBIA.

Mr. HALE. I ask unanimous consent that I may now—not for any action—offer a substitute for the resolution of the Senator from Georgia [Mr. BACON] which was offered and debated yesterday, in order that the substitute may be printed and come up with that resolution when it comes up.

Mr. MORGAN. Let the proposed substitute be read.

Mr. HALE. Yes; let it be read. I simply ask to have it printed and go over with the resolution of the Senator from Georgia.

The PRESIDENT pro tempore. The Senator from Maine [Mr. HALE] offers an amendment in the nature of a substitute for the resolution yesterday submitted by the Senator from Georgia [Mr. BACON]. The proposed substitute will be read.

The Secretary read as follows:

Whereas the State of Panama, formerly a part of the Republic of Colombia, has seceded from that Republic and has set up a government republican in form under the name of the Republic of Panama; and

Whereas the independence of said Republic of Panama has been recognized by the United States and by many other nations; and

Whereas a treaty is now pending before the Senate between the United States and the Republic of Panama, the ratification of which will insure the speedy building of the interoceanic canal by the United States across the territory of said Republic of Panama; Therefore,

Resolved, That in any claim which the Republic of Colombia in any form may make against the said Republic of Panama for indemnification or loss of territory or increased burden of the debt of said Republic of Colombia the President is requested to tender his best offices toward the peaceful adjustment of all controversies that have arisen or may arise between said Republic of Colombia and the Republic of Panama.

Mr. LODGE. Mr. President, is the resolution of the Senator from Georgia now before the Senate?

The PRESIDENT pro tempore. It is not. The amendment intended to be proposed by the Senator from Maine will be printed, and go over with the resolution of the Senator from Georgia.

Mr. BACON. I understand that the only action taken is to offer the proposed substitute, and that it is to accompany the original resolution, whatever disposition may be made of it.

Mr. HALE. That is precisely what I intend.

The PRESIDENT pro tempore. The proposed substitute will be regarded as the pending amendment.

Mr. BACON. I do not desire, in view of what passed yesterday, to be understood as consenting to that as a substitute.

INTERVENTION IN COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution submitted by the Senator from Maryland [Mr. GORMAN], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. GORMAN on the 5th instant, as follows:

Resolved, That the President be requested, if not in his judgment incompatible with the public interest, to inform the Senate:

1. The date when and the circumstances under which the United States intervened for the first time and each succeeding time with a military force in the internal affairs of New Granada or Colombia under the treaty of 1846; whether such intervention was on the initiative of the United States or by the request of New Granada or Colombia, or in consequence of any official representation of either, and also to transmit to the Senate copies of the letters or notes in the Department of State, and of the orders by the Navy Department relating to such intervention.

2. Also to inform the Senate whether or not the United States has been asked by New Granada or Colombia or any official representative of either to execute by armed force either the guaranty of the neutrality of the Isthmus or of the sovereignty of New Granada or Colombia over the same, and if the United States has been so asked, then the dates and circumstances thereof, and to send to the Senate copies of the letters or notes in each case conveying the application and what was done thereunder by the United States.

3. And also to inform the Senate in which, if any, of the disturbances on the Isthmus of Panama referred to by the President in his last annual message the United States intervened by the employment of military force solely on its own initiative and uninvited by the Government owning the Isthmus, and also to inform the Senate of the circumstances in each case which required such intervention, and transmit copies of the orders issued by the Navy Department for such purpose.

4. And also that he will inform the Senate of the dates when and circumstances under which the United States has intervened in the internal affairs of New Granada or Colombia by military force in aid of a revolt or rebellion or disturbance of the peace therein, or to suppress such revolt, rebellion, or disturbance.

5. And also to inform the Senate which words, if any, in the treaty of 1846 authorized the United States, in the opinion of the President, to enter by military force and uninvited into the territorial jurisdiction of New Granada or Colombia in order to prevent the interruption or embarrassment of free traffic across the Isthmus.

Mr. CULLOM. Unless it is desired that the resolution be now debated, I will move that it be referred to the Committee on Foreign Relations.

Mr. CARMACK. Mr. President, I desire to be heard on that resolution.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. CULLOM] moves the reference of the resolution to the Committee on Foreign Relations.

Mr. SPOONER. Will the Senator from Tennessee allow me first to move an amendment?

Mr. CARMACK. Certainly.

Mr. SPOONER. The Senator from Tennessee allows me to move an amendment before he addresses the Senate. I move to strike out the fifth division of the resolution.

The PRESIDENT pro tempore. The Senator from Wisconsin moves an amendment, which will be stated.

The SECRETARY. It is proposed to strike out the fifth clause of the resolution, as follows:

Fifth. And also to inform the Senate which words, if any, in the treaty of 1846 authorized the United States, in the opinion of the President, to enter by military force, and uninvited, into the territorial jurisdiction of New Granada, or Colombia, in order to prevent the interruption or embarrassment of free traffic across the Isthmus.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Wisconsin [Mr. SPOONER].

Mr. GORMAN. Mr. President, I understand the Senator from Tennessee [Mr. CARMACK] desires to be heard on the main proposition.

The PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CARMACK. Mr. President, I heard the other day with pleased attention the lecture on true statesmanship with which the Senator from Massachusetts [Mr. LODGE] favored the Democratic side of the Chamber. It is always a blessed event when the Senator from Massachusetts descends from Boston to the earth with a revelation to mankind. [Laughter.] I was suitably impressed by the Senator's appeal that we disburden ourselves of partisan considerations and rise to the height of this great argument. I should have been very much more impressed, however, if the evidences of the Senator's own intense and blinding partisanship had not exuded from him in every word that he uttered.

If the Senator himself were not possessed by a spirit of partisanship that dominates his every act and word, some things might be plain to the Senator which in his present condition he can neither appreciate nor understand. He might be able to understand that a man may oppose a flagrant violation of the Constitution and statute laws of the United States, to say nothing of the fundamental principles of international law and the obligations of a solemn treaty, without being actuated by motives as bad as the act he condemns. The Senator might even come to understand that a Republican Senator may honestly feel that he owes higher obligations to his country and to its laws than he does to the head of his own party.

The Senator spoke with truth and spirit of the rules that should limit the conduct of the opposition to the party in power. I wish the Senator could also understand that there should be some limits to the zeal and fidelity of Administration supporters in Congress and that these limits are reached when they are called upon to applaud it for treating with indignity their own most solemn legislative acts and for trampling upon the laws which they themselves have made.

I wish the Senator could understand that even a partisan Congress, whose lawful acts have been treated with contempt by a partisan Executive, has as much right to assert its privileges as had an English Parliament in the days of the Stuarts, and that it is not bound to do everything in its power to deserve the contempt it has received. I wish it could be understood here, Mr. President, that the spirit of the English peasant who boasted that he had once been kicked by a duke has no proper place on the floor of this American Senate.

If the Senator were less of a partisan than he is, he would not try to make it appear that a simple demand that the President proceed with the construction of a canal, as positively required by law, is an attempt to obstruct the building of a canal. If the Senator were less of a partisan he would be standing here denouncing the acts of this Administration as a usurpation of power, precisely as he would be doing if the same acts had been done by a Democratic President.

Nobody here, Mr. President, is trying to make an issue of the Panama Canal or to make an issue of the canal at all. The issue that arises out of this matter is the simple question of whether the President of the United States can substitute his own will for the law of the land. There has been partisanship in this matter, Mr. President, but it has not been with the Democratic party. We voted for the Nicaragua route. When that was defeated we voted for the route preferred by Senators upon the other side of the Chamber, but we did so in full faith that if the President should fail within a reasonable time to negotiate a treaty with Colombia he would obey the plain mandate of the law by going to the Nicaragua route.

The partisanship that has been exhibited in this matter has been in the refusal of the President to obey the law rather than construct a canal along the route favored by the Democratic party. That is partisanship, Mr. President, in its worst and most vicious form. A partisanship which opposes everything offered by the other party, whether right or wrong, is indeed contemptible; but a partisanship which violates the plain letter of the law, rather than give an apparent advantage to the other party, is too dangerous to be called contemptible.

The Senator had some things to say of the stupidity of the Democratic party. There are many things, Mr. President, that must always seem stupid to this sensation-loving Administration. The Democratic party is not trying to make the business of government interesting and diverting by turning it into a theatrical performance or by making fireworks of the Constitution and laws. It is simply trying to do its part in the dull and prosaic task of governing the country in a lawful and constitutional way. That sort of thing must always seem stupid to those who believe that the chief end of government is to furnish red-letter headlines for the yellow newspapers.

I do not intend to discuss the details of the Panama treaty, though I believe it ought to be considered in open Senate and that every word of the debate ought to be in the hearing of the American people. We have the example of the utmost freedom—I had almost said the utmost license—of discussion enjoyed by the State Department and by the defenders of this Administration, a license which permits a mercurial French adventurer, masquerading as the comic-opera representative of a comic-opera Republic, to discuss the course and politics of the United States, to discuss its treaties and interpret its laws, and to lecture the members of this honorable body upon the performance of their public duties, and it seems to me that something of the freedom enjoyed by these shirt-sleeve diplomatists might come within the privileges of the Senate.

It has even been suggested that we should not discuss the conduct of the President in the Panama matter except in executive session. I do not see why we should get behind barred doors and

speaking with bated breath and whispered humbleness when dealing with abuses of executive power. I intend to speak with all due respect of the high office of President, but I hold that we do not show proper respect for that office by respecting the excesses of any man who may happen to wield its power. It is due to truth and to the people to say that every act of the President in this wretched Panama business has been in flagrant violation of law—of international law, of statute law, of treaty obligations, and of the Constitution of the United States.

Where in the rules of international law, as authoritatively interpreted by all the great statesmen of the United States down to and including William McKinley, can you find anything to justify the swift and sudden recognition of this hideous abortion of night and darkness misnamed the Panama Republic? What constitutes a state in the conception of international law and justifies its recognition even as a belligerent power? It must be possessed of a defined territory, and it must have demonstrated its ability to hold that territory for an indefinite time against all the efforts of the power with which it is contending. It must be equipped with all the machinery of government. It must be prepared to administer justice throughout the length and breadth of its territory, to protect the rights of aliens, and to discharge its obligations to foreign nations.

This so-called Panama Republic, Mr. President, had not even the form or semblance of a republic and hardly any of the attributes of a nation. It had no army or navy, except such as were regarded as a source of danger rather than as a means of defense. It had no constitution, no legislature, no courts, no laws, no form or system of government. Without violating all the precedents to which we have scrupulously adhered throughout all our history, we could not have recognized it even as a belligerent power. We hastened to recognize it as a sovereign and independent nation before it had given the slightest evidences of stability or even of popular support.

The Senator from Massachusetts [Mr. LODGE], it seemed to me, expended a great deal of useless labor in attempting to show that the recognition of new states belongs exclusively to the Executive. I am not concerned, for the purpose of this argument, to dispute that proposition. Admitting it to be true, it does not mean that there is no law to govern this matter except the President's will. It does not mean that the law of recognition is to be governed by the length of the President's foot or even by the size of his hat. The rule, Mr. President, is a plain and simple one, and we have adhered to it throughout all our history, sometimes under the strongest temptations, from self-interest and other causes, to depart from it.

That rule is that the independence of a new state must exist as an undoubted fact before it can be recognized as a fact. When the new state shall have firmly established its independence, after it has successfully repelled every effort to subjugate it, after all efforts have been practically abandoned or become manifestly hopeless, then, and not until then, can other nations deal with it as a sovereign and independent power.

That was the rule we took for our guidance in dealing with the revolted colonies of Spain. The sympathies of this country and of the Government were strongly with those revolting colonies. That sympathy was due not simply to sentiment, but to a feeling that our own peace and security would be promoted by the disappearance of Spanish power from this hemisphere.

Yet, Mr. President, in spite of that strong temptation and with that great national interest in the struggle, we adhered to this principle. We waited until these colonies had established their independence, until Spain herself had virtually abandoned the struggle, before we recognized them as members of the family of nations.

The same rule was laid down by President Grant and repeated by President McKinley with reference to the recognition of Cuba. It was the rule laid down by President Andrew Jackson in dealing with the case of Texas. I desire to insert here in the RECORD, without reading, an extract from Jackson's message on that question:

[From the message of President Jackson to Congress, December 21, 1836.]

But there are circumstances in the relations of the two countries which require us to act on this occasion with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, can not but regard with solicitude the prospect of the reunion of the territory to this country. A large proportion of its civilized inhabitants are emigrants from the United States, speak the same language with ourselves, cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and, more than all, it is known that the people of that country have instituted the same form of government with our own, and have since the close of your last session openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however un-

justly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves.

Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the independence of the new government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it we are but carrying out the long-established policy of our Government—a policy which has secured to us respect and influence abroad and inspired confidence at home.

Compare Jackson's action with that of the present occupant of the White House. Jackson's whole soul was no doubt on fire with sympathy for the struggling patriots of Texas. Their leader was the heroic Sam Houston, from his own State of Tennessee. Another great Tennessean, David Crockett, had made a new Thermopylæ at the Alamo—a Thermopylæ that had no messenger of defeat.

But in addition to that, the State of Texas had already signified its intention and desire to seek admission into the American Union. It meant a vast increase to the territorial empire of the United States; it meant a vast increase of our wealth and power and population. Yet President Jackson said because of the very fact that we had so great an interest in the issue of this struggle we should be unusually careful in adhering to the strict principles of international law, that no taint or suspicion should attach to the conduct of the United States.

So, Mr. President, we waited until Texas had achieved her own independence, until Mexico itself had abandoned the struggle, and when Texas came into this Union she brought with her no stain of dishonor on American diplomacy or American arms. What a contrast, Mr. President! Compare that act with this act of the President of the United States, not to secure a canal, because that was already secure by the law, not to hasten the construction of a canal, because the Canal Commission had told him that the canal could be constructed more quickly by the other route, not for these reasons, but simply to obtain the doubtful and disputed advantage of one route over the other.

Mr. President, I shall take Andrew Jackson and not Theodore Roosevelt for my guide. When my conduct is questioned before my own people I do not doubt what answer will be given by that proud old State in whose bosom sleep the ashes of Old Hickory and among whose people his spirit is abroad.

But the President himself has abandoned this line of defense. Although one of the ablest Republicans in Congress was put forward to make an ingenious and fallacious defense to show that the President was acting in line with precedents, they have been routed and driven from this untenable position, and now the President in his message admits that he was not acting in accordance with the principles that govern the recognition of new states or with the precedents of this country or the usages of nations in that regard.

His plea now is that he was under the compulsion of an imperative necessity—that necessity that knows no law and cares for none. The assumption is obtruded upon us again and again in his message that Colombia controlled the whole Isthmus and every practicable or possible route for a canal; that Colombia and Colombia alone stood there barring the pathway of civilization and commerce between the Atlantic and the Pacific oceans. He would have us believe that he was confronted by some extraordinary condition, by some unforeseen contingency, that required of him prompt and heroic action. The answer is, Mr. President, that the very contingency that had arisen, the very condition that confronted him, had been foreseen and provided for by law and his duty laid down.

He tells us with a vague magnificence of language that he has received a "mandate from civilization" to construct this canal along the Panama route and nowhere else. The President is not sworn to execute any vague and undefined mandate of civilization. He is sworn to obey the Constitution and to execute the laws of the United States. He has no right to set them aside at the behest of some imaginary mandate of civilization that may happen to rise in his fertile and ingenious mind.

The President was acting under a law, under the so-called Spooner Act. That act required him to negotiate, if possible, a treaty with the Republic of Colombia for a strip of land through her dominions and to construct thereon this canal. But it further provided that if he should fail within a reasonable time to secure those rights from Colombia he should proceed to the Nicaragua route. That was the plain letter of the law. The only thing necessary to secure this canal and to secure it without delay was for the President to obey that law.

The President makes it plain in his message that he never intended under any circumstances to execute the provisions of the law. I read a passage from page 6 of his message:

A second alternative was that by the close of the session on the last day of October, without the ratification of the treaty by Colombia and without any steps taken by Panama, the American Congress on assembling early in

November would be confronted with a situation in which there had been a failure to come to terms as to building the canal along the Panama route, and yet there had not been a lapse of a reasonable time—using the word reasonable in any proper sense—such as would justify the Administration going to the Nicaragua route.

Now, what does he say should be done under those circumstances?

My intention was to consult the Congress as to whether under such circumstances it would not be proper to announce that the canal was to be dug forthwith; that we would give the terms that we had offered and no others, and that if such terms were not agreed to we would enter into an arrangement with Panama direct, or take what other steps were needful in order to begin the enterprise.

In the name of common sense, what does the Administration mean when it says that in such case there had been no lapse of reasonable time? The President has stated a case in which the treaty had been definitely and finally and conclusively rejected, in which all further negotiations had been abandoned, in which he felt he was driven to some other course, that of making a treaty with a dependent province of Colombia, and yet he says there had not been a lapse of reasonable time.

The President seems to consider that this law gave him a reasonable time to obtain this territory by any method he might see fit to employ. The Spooner Act simply gave the President a reasonable time within which to make a treaty with Colombia; and upon the lapse of that reasonable time without any treaty being negotiated, it was his duty under the law to go to the Nicaragua route. It was so understood by every Senator upon this floor when that law was being considered. I do not believe any Senator will stand here and say that he now understands it otherwise. It was considered so by the Administration itself when this treaty was being negotiated; and I beg leave here to read a statement from Secretary Hay. Here is how the Secretary of State construed that law:

The President is bound by the isthmian canal statute, commonly called "the Spooner law." By its provisions he is given a reasonable time to arrange a satisfactory treaty with Colombia. When, in his judgment, the reasonable time has expired and he has not been able to make a satisfactory arrangement as to the Panama route, he will then proceed to carry into effect the alternative of the statute.

A reasonable time to arrange a satisfactory treaty with Colombia. That is the law. That was the measure of the President's duty. It was the limit of his discretion in this matter. It was so understood by every Senator when the law was passed, and it was so understood by the Administration itself when the treaty was being negotiated.

There had not been a lapse of reasonable time! When does there occur a lapse of reasonable time within which to arrange a treaty if it does not occur after every effort to secure a treaty has failed and all further efforts have been abandoned?

Mr. President, the action of the Administration in this matter has been defended on the very ground of the unreasonable delay on the part of Colombia. Her conduct in delaying this treaty has been characterized as so outrageous and unreasonable as to justify the President in taking this high-handed action.

When we ask why it is the President took this extreme and revolutionary course we are answered that it was because of the unreasonable delay. When we ask "Why, then, did you not go to Nicaragua, as provided by law?" the answer is, "There had not been a lapse of reasonable time." So it seems, according to the singular logic of this Administration, that there may be an unreasonable delay in accomplishing an object, but without a lapse of reasonable time.

The President says in his message that he had two alternatives of action in his mind upon the lapse of a reasonable time without the negotiation of a treaty with Colombia, but neither of those alternatives was what Secretary Hay calls the alternative of the statute. One was to go and dig the canal anyhow, treaty or no treaty. The other was to take advantage of an insurrection in Panama and to make a treaty with that country. Never for one moment did he consider anything that had in it so little of the strenuous and the sensational and the spectacular as the plain and simple plan of executing the law.

Mr. Loomis, of the State Department, made a speech in New York a few days ago in which he spoke of the "grave possibilities which confronted this Government as it peered into the future and sought to provide intelligently for the many serious complications and contingencies which the President foresaw." I will pause to remark that if instead of peering into the future the President had simply peered into the law, he would have found an easy way out of all his troubles. Mr. Loomis continues:

If the revolution in Panama had not occurred; if the American people, guided by the opinions of its most learned, efficient, and highly trusted engineers, continued to think the Nicaragua route an impracticable one; if the people and Congress of this country had insisted that we wait for a year, or until such time as the politicians at Bogota were ready to negotiate a new canal treaty, etc.

We learn from this statement that the Administration was proceeding upon the assumption that the Nicaragua route was impracticable and that it had been so decided by the American people.

This speech comes right from the bosom of the Administration. I saw in the papers that the President wrote a letter to Mr. Loomis thanking him for his able and correct exposition of the Administration's conduct. We may assume, therefore, that these utterances were inspired, that they came hot from the throne, and that they express the views of the Administration. I beg leave to unite with the President in thanking Mr. Loomis for his frank statement that the President, of his own motion, had set aside the Nicaragua route as impracticable, and that he never intended to execute this provision of the law.

But, Mr. President, I should be glad to know by what authority Mr. Loomis makes his statement that all the great engineers of the United States have decided and declared that the Nicaragua route is impracticable. A more unfounded statement never escaped from the lips of any human being. It has been declared practicable again and again by the greatest engineers of the United States and of the whole world. Our engineers, selected for that very purpose, have again and again declared the practicability of the Nicaragua route, and the very last Canal Commission, upon whose report the Spooner law was founded, declared with reference to the two routes—I quote the very language of the report—"both are entirely feasible and practicable."

Here we have a report of the Commission selected by the President to advise him upon this matter, which tells him that this route is entirely practicable; that it is entirely feasible; and Congress, acting upon that report, enacts a law which instructs him under certain conditions to proceed to construct the canal by the Nicaragua route. The President takes it upon himself to say: "This route is impracticable, and I will not do it." He sets his own judgment above that of the greatest engineers in this country and in the world, and he sets his own will above the law of the United States. No eminent engineer of whom I have ever heard has pronounced the Nicaragua route impracticable, unless it be the one who engineered the Panama revolution.

The President seeks to derive from the treaty of 1846 an argument in favor of his action in this matter. He admits that there is no express provision in that treaty which gives him a right to go there and construct a canal whether or no. But, without there being any express provision, he says that is what the treaty was intended to mean. The answer is that if it is not there, it is not there. Sovereign powers, when making solemn treaties, do not write anything between the lines. They do not surrender any portion of their sovereignty by implication.

Our rights and Colombia's obligations are to be found in the plain words of the law, and there is absolutely nothing in the language of that treaty which justifies any man for a moment assuming that either of the parties ever intended that there should be a treaty to give this country the right to go there and construct a canal whenever it pleased, without any further negotiations with Colombia. We have never considered ourselves bound to construct a canal along the Panama route.

We have always considered ourselves free, without any regard to the treaty of 1846, to go and build a canal anywhere we pleased. Colombia had as much right under that treaty as we had, and the very law under which the President was acting expressly recognized the right of Colombia to reject this treaty by providing that the President should go elsewhere if she did reject it.

It seems to me that the President was singularly unfortunate in attempting to justify his course in this matter by appealing to the right of intervention, which is recognized in certain extreme and exceptional cases. Here there was no right of intervention anywhere, but under no possible circumstances could that right belong to him. Even if he had gone no further than the mere fact of recognition, that being done avowedly for the purpose of giving support and strength to an insurrectionary movement, I say a proper regard for the spirit of the Constitution would have required him to have the consent of Congress in advance.

President Jackson laid down the principle that wherever the act of recognition is likely to lead to war, then the President, with proper respect for the Constitution, ought first to have the consent of Congress before acting in the matter. Here the act of recognition was avowedly for the purpose of giving aid and comfort to the insurrection. It was accompanied by words of contempt and scorn. It was preceded and accompanied and followed by acts of absolute violence against Colombia.

But the President did not stop with the act of recognition. He actually intervened. He sent the war ships of the United States there to drive the troops of Colombia from her own territory, to keep them from suppressing an insurrection against her own authority.

I say here there was no cause for intervention by anybody, but under no circumstances could that right belong to the President of the United States, because intervention is war, and the right to declare war, to begin war, belongs to Congress and not to the President.

His acts in this matter were not simply unfriendly, they were not simply offensive, they were not simply a cause of war, but they were war. The use of the military power of a country exerted directly upon another nation is war, no matter whether a single gun is fired or not. It is the use of military force, that is the essence of war.

As a matter of fact, Mr. President, there never was any real insurrection in Panama. There never was anything that deserved to be considered or spoken of as an uprising of the people. There has been a great deal of rhetoric about the people rising up as one man against their oppressors. To all intents and purposes there was but one man in that insurrection, and that man was the President of the United States.

There never was an uprising there which could not have been quelled by a squad of resolute policemen if the power of the United States Government had not been behind it. There never was any government there and is not now that could stand for a day or an hour without the support of the United States. The Republic recognized by the President was a purely fictitious one, a sort of John Doe republic, invented for the convenience of this military action in ejectment.

An overwhelming majority of the people never knew that any revolutionary movement was afoot until the whole thing was over and the so-called Republic had been proclaimed. I have a statement here from Mr. Merrill A. Teague, a gentleman of the highest character and standing, chosen by one of the leading newspapers, an Administration organ, the New York Tribune, as their staff correspondent in Panama. He gives a plain unvarnished statement of the conditions there. He does not deal in generalities. He gives names and dates and specific facts.

The facts are, Mr. President, that this conspiracy was organized by a little lot of seven men taking into their confidence four Americans, one of whom was Colonel Black, of the United States Army. What was the manifestation of this unexampled unanimity and zeal? Were there any great assemblages of the people throughout the State of Panama voicing their protest against Colombian oppression and their demand for independence? Was there any congress assembled of the representatives of that State? There was none.

This little band of conspirators—seven men—finally took into their confidence the members of the municipal council of the little town of Panama, of about 20,000 people, and when the time was ripe for action this little council of eleven men, under the control of those conspirators and with the American war ships conveniently at hand, proceeded to pass an ordinance of secession for a state as large as the State of Indiana.

It is said that the people of Panama rose as one man. They rose, Mr. President, simply as eleven men. The same thing was enacted at Colon later in the day. I have here an American newspaper published at Colon, given me by a colleague in the House, Mr. GAINES of Tennessee, which gives a contemporaneous and uncolored account of the great uprising of the people in Colon. The people were never permitted to know that they were engaged in a revolution. This story is as follows:

When the inhabitants awoke in the morning—

That is, the morning of this great popular insurrection—

When the inhabitants awoke in the morning after a night of undisturbed slumber, they little dreamt that their tranquillity would have been disturbed ere the setting of the sun.

On the very verge of a terrible insurrection, little did they dream that their tranquillity was going to be disturbed—the very people who were rising as one man!

But it is the unexpected that often occurs.

This revolution which occurred there was not expected by the people.

It was so in the present case. With the assurance of peace in the country there was nothing known yesterday morning to the public of Colon to have aroused any misapprehension. But disquieting news which had been flashed across the wire from Panama had leaked out, and in a very short time it had sped throughout the whole town. The news was to the effect that Panama—

That is, the town of Panama—

had declared its independence on the afternoon of the 3d instant. To one and all the news came like a bolt from a clear sky. No one cared to talk or express any opinion. Such was the gravity of the situation.

That was the condition of the people who were rising there with unexampled unanimity, rising as one man against the terrible tyranny of Colombia. The news that they were conducting a revolution came to that people like a bolt from a clear sky. No inhabitant dared to express an opinion about the revolution. They rose as one man, Mr. President, but the one man was in the White House.

Mr. TILLMAN. If the Senator will permit me, what sort of a headline has that remarkable story given to it?

Mr. CARMACK. The headline is simply as follows:

THE SITUATION IN COLON—GREAT EXCITEMENT—RAILROAD AMERICAN EMPLOYEES CALLED TO ARMS—AMERICAN MARINES LANDED—BUSINESS TOTALLY SUSPENDED—CONFERENCE AT PREFECTURA.

The statement continues:

The going backward and forward of Government officials and movement of the troops which had arrived the previous day, and a strong guard being placed at the prefectura, gave color to the report, and a panic soon seized the whole community.

The people were in a panic. This revolution dumbfounded them. It spread consternation among them. They had not dreamed when they got up in the morning that there was going to be a revolution that day, and when the revolution came it very nearly scared the people to death. The account further says that they rose as one man and fled to another part of the city to get out of the way of the revolution.

Then, Mr. President, the municipal officials in Colon assembled, as they did in Panama, and proceeded to indorse the secession movement and to declare the independence of the whole State of Panama. Then somebody read a written speech carefully prepared in advance. Then, a number of United States officers being present and participating in these proceedings, Colonel Black—this same Colonel Black of the United States Army—was selected to raise the flag of the new Republic.

I wish to make a few remarks on that incident, Mr. President. Here was an officer in the Army of the United States who, from the very first, was in a plot against the peace of a republic with which we were then on friendly terms, and with which we were at the very time conducting friendly negotiations, continuing in that plot until the time for action came, then actively and openly participating with the insurgents, and with his own hand raising the flag of rebellion. We know what would happen if an officer of the United States Army anywhere else in the world should be found plotting with the enemies of a country with which we were at peace and raising the standard of insurrection against it. His commission would not last an hour. He would be subjected to the most severe and condign punishment.

But if the President has not approved this act of Colonel Black, so far as I know he has never condemned it. I do not believe that this officer, a distinguished officer in the American Army, would have publicly and openly engaged in a plot for the dismemberment of Colombia if he had not had good reason to believe that he was doing the will of this Administration. That is what I think about it, Mr. President, and if Colonel Black is never punished for this act I shall know it.

The PRESIDENT pro tempore. The Senator from Tennessee will please suspend while the Chair lays before the Senate, under the rule, the Calendar of General Orders.

Mr. BATE. I ask unanimous consent that my colleague may be allowed to proceed and finish his speech.

The PRESIDENT pro tempore. The senior Senator from Tennessee asks unanimous consent that the junior Senator from Tennessee may conclude his speech. Is there objection?

Mr. BATE. And that the regular order be laid aside.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. CARMACK. The President says that nobody connected with this Government had anything to do with that insurrection. Here is the fact stated by an impartial witness that officers of the United States Army were participating in it and that one of them was in the plot from the very beginning, and so far as I know to the contrary, Mr. President, his act is approved by the Administration.

That is what occurred at Panama. What was our part in this shameful transaction?

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. CARMACK. Certainly.

Mr. TILLMAN. Will the Senator inform us, if he has the fact, as to what business Colonel Black had there? What was he doing?

Mr. CARMACK. He was an engineer.

Mr. TILLMAN. I know, but what was his relation to this Government? What was his official capacity?

Mr. CARMACK. He was an engineer officer and had some connection with the canal there.

Mr. PATTERSON. He was the assigned representative of the Government in the great Culebra Cut as an engineer.

Mr. TILLMAN. But as we had nothing to do with that cut, as we had not bought anything, as we had no contract with anybody, as there was no treaty completed, I want to know what errand he had there. By what authority was he there? Under what law was he there?

Mr. CARMACK. I can not tell the Senator that.

Mr. TILLMAN. I should like to locate him.

Mr. CARMACK. The President admits that he was looking forward to an insurrection in Panama as a possible outcome of the situation and as a possible means of relief. The less discreet Mr. Loomis said that they were looking forward to it as expected and inevitable. Here, then, we have the fact that the President was looking forward eagerly, expectantly to an insurrection in Panama as a means of extricating himself from complications that would never have existed if he had obeyed the law.

But, Mr. President, an insurrection in Panama could not possibly have helped the President unless it was successful and unless it was promptly successful. The able Mr. Loomis has told us of the awful consequences that would have ensued from a few months' delay.

This insurrection, to accomplish the President's purpose, must be successful, and immediately successful. The President knew all the chances were that if left alone the insurrection would have been suppressed in the very hour of its birth, and at any rate, even if there could have been a hope of succeeding, they could only have succeeded at the end of a long and terrible war, which would have destroyed the very opportunity for the construction of the canal. He knew then in advance that the only hope of success was a prompt intervention on the part of the United States Government, and these alleged patriots in Panama knew it. Even if they actually felt and hoped that they could achieve their independence, they knew they could not do it except after a long struggle, and that in the meanwhile their object of securing the canal through that territory would have been defeated.

So the President knew that there must be intervention in behalf of Panama to carry out that scheme. The conspirators in Panama also knew it. It was absolutely necessary not only that there should be intervention, and prompt intervention, in behalf of Panama, but that the conspirators in Panama should know in advance that there would be intervention, because they would have known an insurrection would have been hopeless and absolutely useless without assistance from the United States.

There was that fact, Mr. President, and then the fact that an officer of the United States Army, unproved, was openly participating in the plot and aiding in the insurrection. There was the fact that the conspirators there believed all the time that they would have American war ships on the scene to assist them when the insurrection occurred. There was the fact that they came just as they were expected.

The President says the war ships were sent there to protect the transit. They were sent there, Mr. President, to do what they actually did; that was to keep the troops of Colombia from landing on her own soil to suppress an insurrection against her own authority. That is what they did. That is what they were sent there to do.

We have protected the transit again and again, but never before was the claim made that we had a right to exclude Colombia from her own dominions. Never before was the claim made that we had the right under the treaty of 1846 to support an insurrection against the authority of Colombia. You do not have to read the treaty of 1846 to know that it contains no such preposterous provision. No nation on earth ever surrendered the right to protect its own soil and the integrity of its own domain with its own troops or surrendered to another government the right to suppress an insurrection against its authority. No such thing can be found in the treaty of 1846.

On the contrary, Colombia in that treaty guarantees the safety and freedom of the transit. She undertakes herself to protect it. She has a right and obligation under that treaty herself to protect the transit, and Secretary Hay recognized that in his dispatch to Consul Ehrman, telling him that Panama had succeeded to the rights and obligations of Colombia under the treaty of 1846, and under that treaty she was bound to protect the transit.

Colombia not only had a right—that belongs to every nation, which is never surrendered—to land her own troops there to suppress an insurrection, but she had a right under the very treaty of 1846 to land them there to protect that transit. They were excluded from the Isthmus. They were not permitted to land on that territory for the purpose of defending her own rights.

The Senator from Ohio [Mr. FORAKER] said the other day that these war ships were sent there to prevent war. Of course they were. They were sent there to prevent Colombia from exercising her war power to suppress an insurrection. That is exactly what they were sent there to do. That was an act of war, Mr. President. It was war on the part of the United States against Colombia, and if Colombia did not accept it as such it was simply because of her weakness.

The Senator from Maine [Mr. HALE] said the other day that Colombia did not accept it as an act of war. I suppose that, according to that reasoning, if a large man should strike a weak and decrepit man and the latter did not resent it, but held up his

hands in appeal to his assailant, the Senator from Maine would say that that was not an assault and battery.

They were sent there to prevent war. Mr. President, the war ships were there on both sides of the Isthmus before the outbreak of the insurrection, and they were there with orders to prevent the troops of Colombia from landing on the Isthmus.

The Senator from Ohio said the other day that they were only denied the right to land at a particular point. The purpose was understood to prevent their landing on the Isthmus, and it was so stated by Secretary Hay himself. If I can find it I will read his dispatch to Minister Beaupré. This is a reply to the appeal made by the Colombian Government to know whether or not their war ships, which were then at Colon and Panama, would be permitted to land. Here is the reply:

It is not thought desirable to permit landing of Colombian troops on the Isthmus, as such a course would precipitate civil war and disturb for an indefinite period the free transit which we are pledged to protect.

Mr. TILLMAN. What is the date of that dispatch?

Mr. CARMACK. The 11th day of November.

Mr. BURTON. What is the Senator reading from?

Mr. CARMACK. Document No. 51.

Mr. BACON. Whom is it signed by?

Mr. CARMACK. By Mr. Hay, Secretary of State. Mr. Hay said: "Such a course would precipitate civil war." Mr. President, there was already civil war. There was already insurrection. The only question was whether Colombia should be allowed to fight the insurgents to support her own authority. Mr. Hay says: "No; there shall be no civil war." In other words, Mr. President, that Colombia shall not be allowed to fight; that Colombia shall not be allowed to suppress the insurrection.

The Senator from Maine said yesterday that it was fair to both sides. It was said to Colombia, you shall not bring any troops from the outside and land them here on the Isthmus; and it was said to the people of Panama, you shall not bring any troops from the outside and land them on the Isthmus. Suppose some of the great nations of Europe had come to an agreement, and had been able to enforce it, and had laid down an order that the United States should not be allowed to land any troops within the territory of the seceding or Confederate States, and suppose in order to make the thing perfectly fair they had also said that the Confederate States should not bring any troops from anywhere else and land them within the limits of the Confederacy.

Why, Mr. President, the Confederacy would have succeeded in an hour. All they wanted was to keep troops of the United States out of their territory. If they could have done that, they would not have needed any troops themselves. That is the way it was there at Panama. They did not need any soldiers if there was nobody there to fight. Oh, yes, it was perfectly fair!

The President has denied with some heat that he had any complicity in this business. He does not conceal the fact that he desired this insurrection. He does not conceal the fact that he intended to aid it if it occurred, and he can not conceal the fact that he did aid it.

What constitutes complicity, Mr. President? I have no doubt it is true that the President never had any conference or correspondence with any of these conspirators, but if they were permitted to know in advance that if they did get up an insurrection they would have the support of the United States Government and of its military power, then this Government became a party to the conspiracy, and, indeed, the principal party.

The President said he did not encourage the insurrection. What more did he need do to encourage the insurrection than to let Bunau-Varilla and a few other choice spirits know that if they did get up any sort of an insurrectionary movement it would have behind it the military power of the United States and that the conspirators would get \$10,000,000 of good American money to pay them for doing it?

I could get up ten insurrections anywhere in South America with \$10,000,000 and the power of the United States Government behind me. I say the important question is whether the Panama conspirators were allowed to know in advance that they would have the help of this Government. And, Mr. President, they did know.

Here is the statement of Mr. Teague.

Mr. BURTON. What is the name?

Mr. CARMACK. Mr. Teague. He is a correspondent of the New York Tribune, a Republican paper. I will read the statement of Mr. Teague. He had this statement from the conspirators themselves:

President Roosevelt has assured the American Congress that his Administration was not privy to the scheme to establish an independent republic on the Isthmus. There is absolutely no evidence discoverable here to controvert that statement in the slightest degree. Yet it is an indisputable fact that the conspirators for independence at Panama believed implicitly, before they made a single open move for independence, that advance assurances of support had been given by the Government at Washington. This belief is

so fixed that those in the conspiracy do not hesitate to say that the first move would never have been made had it not been believed that Washington had given a promise of support.

Mr. Bunau-Varilla, now minister from that Republic, was here in constant correspondence with the conspirators in Panama, and he gave them oral assurances that if they got up that insurrection it would have the support of the United States. Finally, when the time was ripe, not satisfied with these oral assurances, Doctor Amador, the leading man in that conspiracy, cabled Bunau-Varilla in New York, asking him in case they started the insurrection if they could depend on the support of the United States, and Doctor Amador said to his fellow-conspirators as he wrote the telegram, "If this man Varilla can bring an American war ship to each side of this Isthmus, then we may proceed." The answer came from Varilla, "Go ahead. American war ships will be on either side of the Isthmus in forty-eight hours." And, Mr. President, they were there, even as Varilla had prophesied.

I do not question the President's veracity in this matter. I do not say that the President himself had any improper dealings with those conspirators; but, Mr. President, there must have been others who knew what was the purpose of this Administration. Bunau-Varilla knew it and he informed these conspirators there, and but for that there would have been no insurrection in Panama.

These plain facts can not be answered by any violent attack upon the honor and integrity of the Colombian Government.

I had intended to say something in reply to the statement made by the Senator from Massachusetts [Mr. LODGE], in which he read certain selected telegrams and partial telegrams to show that the Executive Government of Colombia was acting in bad faith all the way through. As that Senator is absent, I shall not go into that question further than to say—I shall be glad to take it up with him at any future time—that if he had read those telegrams fairly, if he had not omitted certain important telegrams, and if he had not omitted certain parts of the very telegrams he did read, they would have shown the very contrary to that which he uttered. They would have shown that the Executive Government of Colombia, President Marroquin and the others, were doing everything they could be expected to do or could do against an overwhelming tide of adverse public opinion.

The treaty was unpopular in Colombia from the very beginning, and the Executive Government of Colombia had to contend, as Mr. Beaupré himself declared, with an overwhelming tide of adverse public opinion. The people were against it, the Congress were against it, and President Marroquin acted just as a good many other Presidents would have acted—just as the present occupant of the White House has acted when he finds himself with an unpopular treaty on his hands.

But, Mr. President, that is all beside the question. No matter what Colombia did or what she failed to do, it can not justify the President in violating the laws of the United States. He has no right to become infuriated with Colombia and wreak his vengeance upon the Constitution and the statute laws of his own country. Everything said in denunciation of Colombia, everything said of her prolonged and unreasonable delay, of her bad faith, of her nonintention to have this treaty ratified, makes a stronger case against the Administration, for, Mr. President, the law had looked forward to that, had foreseen it, had provided for it. Mr. Loomis said the other night that it had become manifest last June that there was no intention of ratifying this treaty on the part of Colombia.

If that is so, Mr. President, then since last June the President of the United States has been violating this law or refusing to execute it. Whenever it became manifest that the treaty would not be ratified, then and there the President came under obligation to execute the alternative of the statute; and Mr. Loomis tells us that the time came last June. Since all that time the President has been refusing to execute this law.

Mr. President, I do not know that we are in a position to say so much about Colombia's lack of honor in this matter.

The President said in his message that Colombia had been forewarned. How was she forewarned, Mr. President? The Secretary of State had sent some vague and terrible threat of what he would do if Colombia failed to ratify the treaty. The terms were vague and indefinite, and our minister communicated to the Secretary of State that the minister of foreign affairs in Colombia had called upon him for an explanation of that threat and had asked him definitely whether he meant that we would simply execute the alternative proposition of the Spooner law and go to the Nicaragua route, or whether he meant that the United States would take some action against Colombia. Mr. Beaupré was unable to explain and reported to the Secretary of State.

Some time after the Secretary of State sent another communication, in which he told the Government of Colombia exactly what this Government would do if Colombia did not ratify that treaty; and that was go to the Nicaragua route. What was the forewarn-

ing? The people of Colombia and the Government of Colombia did not understand the terrible threat. They anxiously appealed to know what this Government meant; what it intended to do. "Do you mean simply to execute section 4 of the Spooner Act, or do you mean to take some violent action against Colombia?" Finally, the reply comes from Secretary Hay, "No, we do not mean to do that; we do not mean any violence against Colombia; we do not mean to seize any of your territory; we simply mean to leave you in peace and security, and to go to Nicaragua for the construction of this canal."

That is the warning officially interpreted by the Administration itself. It was not simply a warning, it was a promise; it was an assurance to the Colombian Government: "You need not fear any extreme action on the part of this Government, because we do not mean to do anything except to execute this law and go to Nicaragua if you will not let us build the canal through your territory." Then, relying upon that assurance, they failed to ratify the treaty, and you suddenly claim that you have the right to go there, raise an insurrection against that Government, and take that territory away from her by force of arms. Then you talk of the honor of Colombia. You ought to be ashamed to take the word upon your lips; you ought to blush when it is uttered in your presence.

Mr. President, suppose it is true—and it is true—that we have been subjected to long and vexatious delays on the part of Colombia; suppose they have acted foolishly, as they have done, how much precious time have we wasted on this great project? We have been made the dupe of British diplomacy and for fifty years debarred from taking the actual initiative in this great business. Year after year and Congress after Congress we have seen canal legislation delayed, obstructed, and defeated by one device or another until "hope deferred" hath made "the heart sick."

If this great nation, with all its power, all its wisdom, and all its tremendous interests in this great enterprise, must confess to such a record of folly and stupidity and indecision and delay, why should we fly into a fury because of the weakness and folly of another nation?

The Administration has been very generous in its dealings with this French canal company, whose malodorous record is a stench in the nostrils of the world. Christianity itself might take an example from the Christian meekness and patience with which we have dickered through weary weeks and months with this corrupt concern while they were attempting to extort from us the preposterous sum of \$109,000,000.

The Administration has been very sensitive concerning the alleged rights of this convict corporation. What were its rights? It had a concession, Mr. President, that would have expired, I believe, on the 23d day of next October. An alleged extension of six years was secured from the President of the Republic of Colombia; but as the Congress had expressly refused the concession, it had no constitutional validity whatever, and the strongest supporters of this Administration admit that it had none.

Colombia was under no legal or moral obligation to renew this concession to a company which, instead of improving its opportunity to construct the canal, had wasted its money in riotous living and ended its inglorious career in the penitentiary, and which has emerged in the form of this new canal company, with \$13,000,000 in its treasury with which to complete the construction of a canal two-fifths of which has already cost \$260,000,000—a company which has neither the power nor the purpose to construct any canal.

Such, then, was the condition. The condition was that this canal company had an expiring concession, a concession that would have expired in a few months, and all of its rights would have reverted to Colombia. It had nothing to sell outside of the Panama Railroad, except a dying concession, and it could not have found a purchaser, except the United States, anywhere in the world.

You say that Colombia is guilty of extortion and greed and dishonesty because she wants to get more than \$10,000,000 for something which you claim is worth thousands of millions to us, but nobody has anything to say of the greed and extortion of this penitentiary concern which has tried to extort \$100,000,000 from the United States, and which, under the pending treaty, is to receive \$40,000,000 for what no other purchaser on earth would have given \$10,000,000.

It may be true, Mr. President, that there are people in Colombia who felt that the United States would deal as generously and as patiently with an American republic as it had dealt with this corrupt and infamous French corporation.

But, sir, all this is beside the question. The question is simply the President's duty to execute this law; and I repeat that nothing that Colombia did, or failed to do, has any bearing upon that question, except to make it the more imperative upon him to proceed to the alternative of the statute.

There never was before the President any question of whether

he should do this or have no canal. He only had to execute the law to have a canal. He violated the law without any necessity to violate it; he trampled upon the Constitution, upon the fundamental principles of international law, and the obligations of a solemn treaty when the object to be achieved could have been obtained lawfully and constitutionally and in accordance with the honor of the nation.

Mr. President, there has come to be an idea more or less prevalent among the people that no question of morals or of law should stand between this militant and strenuous Republic and any desirable object, but never before has the doctrine been proclaimed that where an object can be achieved by methods that are lawful and right, or by methods that are unlawful and wrong, it is a matter of indifference which methods shall be pursued.

I have seen it stated again and again in a large section of the press of the country that the people of this country want the canal, and they do not care whether they get it by lawful or unlawful means. That is the substance of what they say.

I do not believe, Mr. President, that there is any such spirit dominating the great body of the American people; but if so, it is a lawless spirit; it is a spirit of mob violence; it is a spirit of anarchy, and no brave and honest man can afford to yield to such a sentiment. What avails it that the President thunders against mob violence and against the growing irreverence for law and for government, when, from the highest eminence in this land or upon this earth, he sets an example of that contempt for law which is at the root of all anarchy, all mob violence, and of every form of social disorder?

It is commonly said that the character of a government reflects the character of the people. It is just as true, Mr. President, that the character of a government has a reflex action upon the character of the people. No man can estimate the evil consequences that will ensue from giving the sanction of a great name and a great office to the idea of obtaining whatever you want by force if you can not obtain it by law. I say that a mob of infuriated citizens has as much right to hang a murderer because of the law's delay; I say that a crowd of hungry and discontented workmen have as much right to resort to sticks and stones to accomplish what they believe to be their just rights; that even an anarchist has as much right to throw a bomb at a policeman as the President of the United States has to violate the Constitution and the law to obtain any object, however desirable it may be.

No man in the quietude of his study can frame nobler precepts or rules of conduct than can President Roosevelt, but they seem to take flight from his memory the moment he gets into action and the blood begins to flow to his brain. 'Tis much he dares, but he lacks that essential quality of Banquo which teaches valor to act in safety.

Mr. SPOONER. Whose quality?

Mr. CARMACK. Banquo's quality. I will tell you about Banquo some time. [Laughter.]

Mr. SPOONER. His ghost was too thin to have any quality.

Mr. TILLMAN. He was a man before he was a ghost.

Mr. SPOONER. But it was the ghost the Senator from Tennessee was talking about, not the man.

Mr. CARMACK. I was talking about the man and not the ghost.

The President is not incapable of coherent thought or intelligent judgment with respect to the past actions of other men, but he seems to be utterly incapable of deliberation with respect to his own. He seems to lose the power of reasoning and his moral sense the moment his personality becomes involved in a transaction, and his passions always overmaster his judgment when he finds an obstruction in his path.

*** And blest are those
Whose blood and judgment are so well commingled
That they are not a pipe for Fortune's finger
To sound what stop she please.

Into what dangers and difficulties, Mr. President, may we not be led by this headlong President of ours? His honesty is no protection, because an honest man, filled with foolish zeal, with the blood in his head, and thinking with his blood instead of his brain, is about as dangerous a man as you can have in the country.

It has been said that the President would not have dared to commit such an outrage upon a stronger nation. I do not agree with this opinion. I set no such limits to the strenuousness of this Administration. I believe that the President would really have felt a sterner joy if Colombia had been a foe more worthy of his steel.

I have never believed that cowardice was one of the faults of the present occupant of the White House. I believe that he would be glad of an opportunity to pluck the beard of a mighty nation and to provoke a conflict that would shake the earth. His

proposal to destroy the Spanish fleet while we were yet at peace with Spain, an act that would have branded us as an outlaw before the world, shows that morbid craving for war and for the excitement of action which is the dominant trait of his character. His temperament is such that where there are two possible courses of action he must inevitably, by the very law of his nature, take that which is more full of action and excitement.

Thus, Mr. President, he makes history as he would arrange the movement of a melodrama. Events are ordered solely with a view to dramatic effects, care always being had that the star performer shall be the center of every situation and the hero of every climax.

The safe man in the Presidential office, Mr. President, is not the man who is always looking for excitement. I know it is very monotonous just to go along and do right, to walk in the beaten path, to keep to the old ways in safety and honor. A man does not get his name "writ rubric on the walls" simply by fulfilling his obligations and obeying the law; but neither, Mr. President, does he disturb the peace of his own country or of the world.

The President's course in this matter was not simply an act; it was a policy. I have here an article from a leading Republican newspaper, the New York Press. The proprietor of that paper, I have understood, was a very close and confidential friend of the President. He said:

It is natural that President Marroquin should find sympathizers among the presidents of many South and Central American republics. Any indication that the United States is at last weary of the constant state of anarchy which prevails in a large part of Latin America—that this Government will no longer permit peoples sliding back into barbarism to stand in the way of the march of civilization, etc.

And, again, he says:

The action of the United States in regard to Panama they take as a warning to them to set their house in order.

This great Republican newspaper understands that this act of the President is but the beginning of a systematic policy of aggression toward the Central and South American states. It is not meant for Colombia alone; it is the beginning of a policy of persistent and constant interference and intermeddling with the internal affairs of those countries.

Mr. President, such a policy must involve us in all manner of difficulties and complications, and, sooner or later, in war. It will not only alienate the sympathies of those countries from the United States and extend the influence of European countries there, but it will bind them together in a hostile confederation against this country.

Secretary Shaw advises subsidies to extend our trade with South America. Mr. President, it will be vain to vote subsidies to steamships while this country occupies such an attitude of hostility and of meddling and interference with the affairs of those countries.

If the President can lend the Navy of the United States to assist a gang of French adventurers to dismember an American republic, when may he not do the same thing elsewhere? Germany has large interests in South America. What opportunities are presented by this fact for strenuous action on the part of this Administration? He may lend the navy and army forces of the United States to assist a syndicate of German adventurers to plunder Brazil, just as he has lent the naval force to these French adventurers to despoil Colombia. Or he may take the other tack and involve us in war with Germany.

Mr. President, if the Executive wishes to put to the test the question whether one man is higher than the Constitution and greater than the law, he has taken the proper course to do it. Our forefathers, under a monarchy three hundred years ago, would not tolerate the assumption of royal power to suspend the operation of a statute. They would not tolerate the assumption that an act of Parliament was of inferior authority to the will of a king. Are we, in the beginning of the twentieth century, ready to admit that the President of the Republic is greater and higher than the laws which we ourselves have made?

One of the members of the Constitutional Convention expressed his disgust with the Constitution because of the contemptible weakness of the Executive. It remains to be seen whether the real fault is not in the contemptible weakness and subservience of Congress.

I stand here for the canal; but I stand here for the law. I can not vote for the ratification of the Panama treaty. I have no criticism to make upon those who, while they condemn the action of the President, feel that it is their duty under the circumstances to support the treaty. I say with my view of this question I can not do it.

I can not support this treaty because I can not support and indorse the lawless acts of which it is the fruit; and if the Senate is ready, not only to excuse, but to applaud the President for violating the laws which we ourselves have made, then the ratification of this treaty ought to be followed by a resolution that the President shall take care that the Republic suffers no harm, and then we should end an existence that is as useless as that of the

Roman senate in the days of the Caesars and go to our homes and try to earn our living in an honest way.

Mr. ALDRICH. Mr. President, I listened with interest to the fierce arraignment of the President and the Secretary of State by the Senator from Tennessee [Mr. CARMACK]. I should have been very glad if that Senator had suggested some remedy for the wrongs which he says have been imposed upon this country and this people. What does the Senator desire to do in a practical way?

Mr. CARMACK. Reject this treaty.

Mr. ALDRICH. What then?

Mr. CARMACK. Go and dig the Nicaragua Canal.

Mr. ALDRICH. That is the secret—

Mr. CARMACK. Certainly.

Mr. ALDRICH. That is the secret of the whole opposition to the Panama treaty. It is to defeat any practical attempt to build a canal.

Mr. CARMACK. No; it is to execute the law.

Mr. ALDRICH. This is the first frank statement we have had from the opponents to this treaty. The President has said to Congress that it is now impracticable to build a canal anywhere except at Panama.

Mr. TELLER. Why?

Mr. TILLMAN. What right had he to say that?

Mr. PLATT of Connecticut. What right has he to say anything?

Mr. ALDRICH. He says that he has not finished with the first alternative in the act. He proposes that the canal shall be built, and he has made a treaty to build a canal.

Mr. TILLMAN. Not with Colombia, as the law directed, but with an independent Republic that he himself created.

Mr. ALDRICH. But the law provided that the canal should be built at Panama, if within a reasonable time, etc. The first preference was Panama. The President has accepted that, and proposes to build a canal there.

Mr. TILLMAN. Right or wrong.

Mr. SPOONER. No; right.

Mr. ALDRICH. Right, under the law, in accordance with the obligations of the United States.

The Senator from Tennessee himself, if he means anything by his statement, means that no canal shall be built at all. If the President is guilty of the things which have been charged by the Senator from Tennessee, he ought to be impeached. If we have done the wrongs to Colombia which the Senator charges, we ought to right them by placing Colombia in possession again of the territory of Panama. There is no other logical result to be deduced from the Senator's speech.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. Certainly.

Mr. TILLMAN. Can the Senate prepare articles of impeachment?

Mr. ALDRICH. No, sir; it can not.

Mr. TILLMAN. Then what are we to do if the House fails to do its duty?

Mr. ALDRICH. But the Senator from South Carolina and the Senator from Tennessee, instead of finding fault with everything that has been done in this matter, might say what they would do now.

Mr. DANIEL. Will the Senator from Rhode Island allow me to ask him a question?

Mr. ALDRICH. Certainly.

Mr. DANIEL. Would the Senator from Rhode Island vote for a bill which instructed the President to go on with the construction of the Nicaragua Canal if he did not succeed in negotiating a treaty with Colombia?

Mr. SPOONER. He has not failed.

Mr. ALDRICH. He has not failed.

Mr. DANIEL. One question at a time. Do not both Senators answer. I will be content with one.

Mr. ALDRICH. I will tell the Senator what I will vote for, if he will allow me.

Mr. DANIEL. All right.

Mr. ALDRICH. I will vote for the ratification of the treaty to build the canal at Panama, or I will vote for an act, if any further legislative action is necessary, which shall provide for building the canal at Panama.

I am in favor of building this canal, and building it at once, and all this criticism which we hear from the other side, when it comes down to its last analysis, will be found to be just what the Senator from Tennessee now says it is. It is opposition to building a canal at Panama and in favor of building it where it can not be built and where there is no possibility that it may be built.

Mr. CARMACK. The Senator from Rhode Island knows I did not say what he says I did.

Mr. ALDRICH. I said the Senator was opposed to building the canal at Panama, but in favor of building it where it could not be built—at Nicaragua.

Mr. CARMACK. The Senator said that the Senator from Tennessee had admitted that he was opposed to the building of a canal—

Mr. ALDRICH. At Panama.

Mr. CARMACK. He did not say at Panama.

Mr. ALDRICH. Oh, yes; the RECORD will show that I said it.

Mr. CARMACK. I heard the Senator say, as I was about to leave the Chamber, that my remarks showed that I was opposed to building the canal anywhere where it was practicable to build it.

Mr. ALDRICH. That is right.

Mr. CARMACK. That is not true, Mr. President. I was not opposed to the building of the canal along the Panama route.

Mr. TILLMAN. The Senator is not opposed to it now.

Mr. CARMACK. I never had any great choice between the two routes. I was not a very strenuous advocate of the Nicaragua route over the Panama route. I had very little choice between the two. I voted for the Nicaragua route, but when that failed I voted cheerfully for the Panama route; and if the canal could have been constructed according to law I would have been entirely pleased. I have no objections now to the Panama route.

I have simply stood here demanding that the President execute the plain provisions of that law, which he has failed and refuses to execute. That is what I mean, and that is all I mean. The Senator has no right to attribute to me any other purpose than that which I have asserted to be my purpose.

Mr. ALDRICH. I did not mean to do the Senator from Tennessee any injustice, and I do not think I do when I repeat that the Senator is opposed to building the canal at Panama, and he bases his opposition upon his desire to have a canal built at Nicaragua, which, I say, under present conditions and at the present time, is utterly impossible and impracticable. So the net result is that he is opposed to the canal.

Mr. CARMACK. When I say that I insist on the President going to Nicaragua, I simply insist on his doing it because the law makes it his duty to do it. That is all. It is not due to any particular preference for the Nicaragua route over the other.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. There is no question at present before the Senate.

Mr. SPOONER. There has been one before the Senate. Is not the same question pending?

The PRESIDENT pro tempore. It is not. By unanimous consent the Senator from Tennessee [Mr. CARMACK] was permitted to conclude his speech, and the unanimous consent went no further.

Mr. SPOONER. I ask unanimous consent that I may be permitted to begin a speech. [Laughter.]

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that he may be permitted to begin a speech. Is there objection? The Chair hears none, and the Senator from Wisconsin is allowed to begin.

Mr. CULLOM. I hope he will be allowed to finish some time.

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Of course.

Mr. TELLER. I want to make an inquiry. I wish to know what is the order of business?

The PRESIDENT pro tempore. The order of business is the Calendar of Regular Orders.

Mr. TILLMAN. What has become of the resolution?

The PRESIDENT pro tempore. The resolution, unless something is done with it, will, by unanimous consent, go to the Calendar.

Mr. TILLMAN. I ask unanimous consent that the Senator from Wisconsin may be permitted to discuss it, and that it remain before the Senate until we get through with it.

The PRESIDENT pro tempore. The Senator from Wisconsin has made a request, which has been granted.

Mr. TELLER. I do not want to interfere with the Senator from Wisconsin, but I do not believe that is the proper thing to do. I do not want to admit in this way that the Senator from Wisconsin has to get the unanimous consent of this body to make a speech if he wants to. He is entitled to make it under the general rules. If the resolution has gone, then the Calendar is in order, and the first bill is before the Senate, and on it he can make any speech he sees fit.

The PRESIDENT pro tempore. The Senator from Wisconsin himself asked unanimous consent.

Mr. TELLER. I know he did; but I do not want it to grow up to be the understanding that whenever I want to make a speech I have to ask the unanimous consent of the Senate. I do not intend to do it.

The PRESIDENT pro tempore. The Chair thinks that yesterday illustrated the fact that Senators can speak, if they desire to, when there is nothing before the Senate. [Laughter.]

Mr. TELLER. I am glad it did.

Mr. CULLOM. I hope it will not be taken as a precedent.

Mr. SPOONER. I regret very much that I made the request for unanimous consent.

Mr. TELLER. I wish you had gone on and made your speech without it.

Mr. SPOONER. I could not.

The PRESIDENT pro tempore. Will the Senator from Wisconsin suspend for a moment?

Mr. SPOONER. Yes.

The PRESIDENT pro tempore. If it is the desire of the Senate that this resolution should remain on the table, holding its place, something should be done to that end.

Mr. BACON. I ask that that may be the direction given to it.

Mr. GALLINGER. I object.

Mr. BACON. I make that request because certain Senators desire to address the Senate upon it. I have never known objection to be made under such circumstances.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia? The Chair hears none, and the resolution will be on the table to-morrow morning.

Mr. CULLOM. May we not dispose of it to-day if we have the opportunity?

The PRESIDENT pro tempore. The Chair thinks the Senate might.

Mr. CULLOM. The resolution is now before the Senate for discussion.

Mr. PLATT of Connecticut. No.

The PRESIDENT pro tempore. It is not before the Senate.

Mr. CULLOM. I thought that by unanimous consent it was.

Mr. BEVERIDGE. The Senator from South Carolina asked unanimous consent that the resolution should continue before the Senate—I think those were his words—until it was disposed of.

The PRESIDENT pro tempore. The Chair did not hear the Senator's request.

Mr. BEVERIDGE. I think the RECORD will so show.

Mr. TILLMAN. I made that request.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that this resolution may continue before the Senate until its final disposition.

Mr. BACON. Do I understand that that makes it the regular order of business?

The PRESIDENT pro tempore. The Chair thinks that such unanimous consent would make it the regular order of business.

Mr. BACON. I do not think that is the design of the Senator from South Carolina.

Mr. TILLMAN. I want it to be the regular order of business until the Senator from Wisconsin gets through, and then we can dispose of it later in any way we see fit.

Mr. BEVERIDGE. That was not the request.

Mr. BACON. It was not the request.

Mr. TILLMAN. Well, I shot farther than I intended.

Mr. BACON. The Senator will pardon me. The resolution was introduced by the junior Senator from Maryland [Mr. GORMAN]. He is necessarily absent from the Chamber on official business, and on leaving he asked me, if the Senator finished his speech and no other Senator then desired to address the Senate upon it, to make the request I have made—that it lie on the table subject to call, in order that other Senators, including himself, might address the Senate upon it.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent that this resolution may retain its place on the table.

Mr. SPOONER. I have unanimous consent—

Mr. BACON. I do not mean to be understood as interfering with that in any way.

Mr. SPOONER. I think this resolution should be disposed of in accordance with the wish, under the circumstances, of the Senator from Maryland [Mr. GORMAN].

Mr. BACON. Yes.

Mr. SPOONER. And the consent should be given that it go over.

Permit me to say, which I trust I need not say to the Senate, that I would not address this body under unanimous consent granted upon my own request. That was jocular. I hope, for I wish to address the Senate briefly on this resolution, that the request made by the Senator from Georgia will be granted and that the resolution will go over.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia? The Chair hears none, and the resolution will take its place on the table without prejudice.

Mr. CULLOM. With the motion to refer pending.

Mr. SPOONER. Of course.

The PRESIDENT pro tempore. The Calendar of General Orders is now before the Senate.

Mr. PLATT of Connecticut. Mr. President, I suppose this resolution has technically passed from the consideration of the Senate, but before it passes actually from the consideration of the Senate I should like to say a word. It seems to me the time to-day may be improved by considering the resolution, having it understood that the resolution is under consideration; and while this debate has been proceeding by unanimous consent we should have unanimous consent that it may continue. I think that is the better way to dispose of it.

Mr. CULLOM. I think this is a very unusual thing. This is the second day now when a resolution has gone over, and then Senators desire to talk about it all the rest of the day.

Mr. PLATT of Connecticut. My suggestion is that it shall be brought back—

Mr. CULLOM. Yes.

Mr. PLATT of Connecticut. And be brought before the Senate, that it can be debated to-day. I think the debate we have had this way this morning, cutting it in two, with the idea that it is to be continued at some future time, does not facilitate the business of the Senate at all. We may as well go on with it to-day as to go on with the general orders on the Calendar, which are not pressing.

Mr. BACON. I do not know whether the Senator from Connecticut understood the statement which I made on behalf of the Senator from Maryland.

Mr. PLATT of Connecticut. I did.

Mr. BACON. It was that the request be made in case no other Senator then desired to address the Senate upon it.

Mr. PLATT of Connecticut. That is what I understood.

Mr. BACON. If there is any Senator—

Mr. PLATT of Connecticut. I am free to say I should like to speak for five or ten minutes, if the Senate will give me the opportunity.

Mr. BACON. The Senator will remember that that is the condition upon which the request was made. I was asked to make that request of the Senate in case no other Senator desired to address the Senate to-day. If any Senator did, of course the request was made subject to the occupation of the floor by such Senator.

Mr. DEPEW. I desire to make some remarks upon this resolution to-morrow. Will the resolution be in a position where it may be called up for that purpose?

Mr. PLATT of Connecticut. Certainly.

Mr. FORAKER. It is on the table and can be called up at any time.

The PRESIDENT pro tempore. It will be; or unanimous consent may be asked that the discussion of the resolution continue to-day—

Mr. PLATT of Connecticut. I make that request.

Mr. BACON. There is no objection to that request.

The PRESIDENT pro tempore. And if it is not disposed of, that it shall retain its place and come up on the table to-morrow.

Mr. PLATT of Connecticut. Certainly.

The PRESIDENT pro tempore. That can be done without any difficulty.

Mr. PLATT of Connecticut. I ask unanimous consent to that effect.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the discussion of the resolution may continue to-day, and that if no disposition is made of the resolution it shall take its place on the table without prejudice. Is there objection? The Chair hears none.

Mr. SPOONER. Mr. President, I am somewhat embarrassed by the request I made jocularly to the Senate to be permitted to speak. I have no set speech to make to the Senate at this time.

I listened to the speech of the Senator from Tennessee [Mr. CARMACK] with great interest, some admiration, and much regret. The President of the United States has registered an oath in heaven to discharge his duty to take care that the laws be faithfully executed; and we have registered one, each of us, in heaven to discharge faithfully the duties of a Senator.

The Senator from Tennessee made a sinister and unsupported statement—I say it with due deference to him—when he drew from anything which has occurred in this country in connection with this great transaction an inference which warranted any Senator in sending from this high forum a message to the South American republics that we had begun the systematic oppression of them and outrage of their rights.

If there be in the history of this Republic in all the years one man who as President of the United States has stood bravely in defense of the South American republics against any possible aggression, that man is the President who has been so vigorously denounced here to-day. If out of a delicate, dangerous, and immensely difficult situation he did not by his loyalty to the Monroe doctrine, to our traditional care for the South American republics,

bring about a transference of the Venezuelan trouble from the theater of war to the tribunal of the peaceful administration of justice—the arbitrament of the law instead of the arbitrament of the cannon—what President of the United States ever did?

I say in unpremeditated speech that no President in our history has stood more vigorously, more alertly by the traditions of our Government, the Monroe doctrine, and our natural care for the South American republics than has the President of the United States now in that office. History makes it too plain for need of any defense of him against partisan aspersions. I hope, Mr. President, the South American republics will turn a deaf ear to any pronouncement of an individual sort from this Chamber that the United States Government can ever do other than protect them from foreign invasion and carefully cherish their interests as between them and ourselves.

The Senator from Tennessee and many others—it has gone over the country—have arraigned the President of the United States as having willingly, wantonly, in the spirit of a king, violated the law of the United States.

Mr. PLATT of Connecticut. And the Constitution.

Mr. SPOONER. Of course; the Constitution must get into it in order to make the proposition complete. If a bill of particulars is asked as to the violation of the Constitution, everyone knows it would not be forthcoming. What law of the United States has President Roosevelt violated? The only enemies he has in the United States to-day in his own party, Mr. President, have grown out of his obedience to law and his enforcement of law.

When I say "enemies" I mean in the political sense. I have not known an Executive more sensitive to that part of his oath which requires him to take care that the laws be faithfully executed than he. He has not stopped, in the matter of enforcing the laws of the United States, to think of himself, of his personal destiny. He has remembered only his oath; and he has declared in messages, he has declared from the rostrum, he has declared in conversation, it has been the rule of his life, that if the law should be changed the lawmaking body must change it; but that until changed it is his sworn duty to enforce it. He has recognized no class in this country strong enough, rich enough, to be above its mandate; no class too lowly not to be within its protection. He has said again and again, speaking of the delicate and difficult association of capital and labor in its relation to combination (and his statement is as substantial in its foundation as the granite which underlies this continent, and in observance of it alone is to be found the conservation of the social fabric), that "capital has a right to combine; labor has an equal right to combine; but both must keep within the law." If there is any other platform upon this subject than that to be framed by any party for the good of our Republic and all the people of it, I do not know what it is. The President may safely stand upon it, as he has phrased it.

I regret that this great matter which is before the Senate and before the country can not be dissociated from politics.

I wish with all my heart, Mr. President, that it had been presented to us in some other year than 1904. It is higher than politics. It is degraded by intermingling with it partisanship. No transaction or subject ever made a stronger appeal to the patriotism, to the loftier and higher purposes of a Senate or of the country, than does this question which in one way has been talked about to-day.

Now, Mr. President, has the President of the United States trampled upon an act of Congress in anything he has done in connection with this isthmian canal transaction? Has he forgotten his oath as to it? Has he pursued a course which justly subjects him to criticism from any party in this land? I deny it. If I know myself, Mr. President, and we do not always know ourselves, if I were not in political harmony with him, I would make the same denial.

He was elected by the Republican party, but he is President of all parties, just as my friend from Colorado [Mr. TELLER], who nods his assent, is a Senator from Colorado, but a Senator of all the United States. The President is entitled, as the President of all the country, to fair and decent treatment in this transaction, and, for that matter, in all others. He does not receive it.

Wherein has the President violated an act of Congress? I had the honor, if there be any honor in it, to draw and offer the bill which was in part enacted into law, under which the President has been acting. I recognize that the Senator from Alabama [Mr. MORGAN] has done more through all the years than any other one man to bring about the construction—keeping it always before the Senate and before the country—of an isthmian canal.

All the pride that I might otherwise have had in the association of my name with this measure I was robbed of because of my regret that it bore not his name instead of mine.

What did the law provide? First, it was settled by that law that the Congress of the United States, representing the people of the United States, deemed it for the best interest of the United

States that the canal joining the oceans should be built at Panama instead of at Nicaragua.

Congress sent word to the President of the United States, "That route is our preference in the public interest." That was not a trifling preference, either. It was based upon long debate. It was supported by the unanimous report of the Commission. It was not a mere matter of dollars. It rested upon a solid foundation: first, the shortness of the route, its practicability being established, the ability of ships of all degrees to pass through it between the time the sun came bounding out from its chambers in the East until he sank to sleep beyond the western hills.

It was thought that a route which *could be traversed in the daylight* was a route preferable to one which required two nights and a day to traverse.

That was not all, and I will not take the time to go through that subject. I will do it briefly later. There was another consideration which had great influence with the Congress. If it did not, it is not to the credit of the Congress, and no man here has cared about route except in the public interest. What was it? It was that, by the concurrent and unanimous testimony, as I remember it—and I have it collated but not here—of the commissioners and the experts, the Panama Canal is susceptible of being made a sea-level canal, a mere question of money, while the other never can be made a sea-level canal.

I do not know how it impresses other Senators. I have no knowledge of engineering, but it seemed to me, a layman, that a sea-level canal from every standpoint was infinitely preferable in its relation to expense of maintenance, to all manner of dangers of obstruction and destruction, to a lock canal. So I thought, so the Commission thought, so a majority of the Senate thought, so the House thought, and I believe so the people thought, that we should select a route, if we could obtain it, which, when our national safety demanded it or the commercial interest of the world demanded it, could be made a sea-level canal instead of a lock canal.

This legislative preference of the Panama route was no mere matter of etiquette. It was not a light thing, Mr. President. It was a solemn enactment, based upon due and long deliberation by the Congress of the United States. The Senator from Alabama [Mr. MORGAN] made an utterance the other day which I had heard before from one of the ablest and most farsighted business men in the United States, an old friend of mine, Mr. H. H. Porter, of Chicago, that in the reach of time, and perhaps not a long reach of time, the commerce of the world would demand two canals. Who from the standpoint of to-day can forecast the necessities of the future in this respect?

I can remember, and so can the great Senator from New York [Mr. DEPEW], the time when the transcontinental railroad was considered a wonderful achievement in its construction. Did any one think then of its duplication? But the time came, Mr. President, when the development of our industries, the increase of our commerce, the multiplication of our cities created a commercial demand which one transcontinental railroad could not even begin to satisfy.

Nor was that all, Mr. President. The time came when the business and commercial development of the region along the line and the commerce between the termini was such in volume that it was not any longer to be tolerated—and I appeal to my friend from Colorado [Mr. TELLER] if I am wrong—that there should be only one transcontinental railroad, at liberty to fix charges for a commerce which had grown beyond its capacity.

One reason, as the debate shows, which led to the grant by Congress to the Northern Pacific Railroad Company, a corporation created by the Congress of the United States, was that there might be a competitive line of transcontinental railway, in order that the transcontinental business might not be locked up in a single corporate grasp. Am I wrong? And so to-day, and it is not many years which have gone by, we have several transcontinental lines of railway, all prospering, with more in prospect. Is it not so?

Mr. DEPEW. Five.

Mr. SPOONER. Five, and more to come. I only refer to that, Mr. President, to illustrate what I meant when I said that no man dare to set a limit to the growth of the commerce of the United States and the commerce of the world which is to utilize an inter-oceanic canal constructed by us, and upon that predicate to express my agreement with the utterance of the Senator from Alabama [Mr. MORGAN] that the time will come when this country and the world (because in this respect we are not acting simply for ourselves, we are acting for the world, because we will not let any other nation in the world obtain a foothold there to act for the world or for us) will need and demand, in all human probability, not only this canal, but another.

But I mention it for another reason. It is to base upon that situation or predicate the assertion, which had great weight with me, that in constructing the first line of canal to be built by the United

States, owned by the United States, controlled by the United States, we should not permit our vision to be limited by to-day or to-morrow, but should look forward, taking lessons from the past, to the day, and it will not be far away, when not only the commercial interests of the United States but possibly—God save the mark—the defense of the United States will demand, no matter what expenditure of money may be involved, a canal through which our war ships may quickly pass without the delay incident to locks.

There is no danger, Mr. President, of blowing up with dynamite a sea-level canal. There is every reason in the world to my apprehension, expressed with the deference which becomes a layman, that it is of infinite importance to the United States, that we choose a route which can be made a sea-level route when our interest demands it.

And so I deprecate the attitude of Senators who treat this law, so far as it relates to the Panama route, as a matter of no particular consequence; that the Commission had reported that the Nicaragua route was feasible and that the Panama route was feasible, but that the Panama route was "somewhat" better, and the President was instructed to secure the Panama route if he could, but if he could not on schedule time he was instructed to settle this great question strenuously, impetuously—not that he was filled with impetuosity, but that the law is impetuous—to turn his back on Panama and go to the Nicaragua route. That is not the law. That was not its purpose, and every Senator here who does not stick in the bark knows it, Mr. President.

I have said no word in any debate against the feasibility of the Nicaragua route. The Commission had reported the Nicaragua route to be a feasible route. If it had made no supplemental report, I would have voted for the Nicaragua route. It made a supplemental report unanimously recommending the Panama route, and the report created not simply the plain inference but the unmistakable deduction that but for the enormous and unreasonable price demanded by the New Panama Canal Company for its property, \$109,000,000, it would have reported in the first instance in favor of the Panama route upon the merits.

I was sorry any foreign company was involved in it; but it was so, and as a Senator of the United States, believing that it was the best route for the country, I was not willing, nor were my associates on this side of the Chamber, who mostly voted for that proposition, to turn our backs on what we deemed the public interest, on what the Commission reported to be for the public interest, if we could secure the title to the Panama Canal property and requisite concessions from Colombia, because, forsooth, in the history of the French operations on the Isthmus there had been scandal and fraud and felony.

Mr. President, what was the duty of the President of the United States? He was required to proceed with the construction of the Panama Canal if, first, he could secure a satisfactory title to the property of the New Panama Canal Company for a price not exceeding \$40,000,000; second, and coincidentally—for we were not to pay any money until we had first the title to the property and the concession from Colombia—a treaty with Colombia of the requisite concession from that Government.

It is my recollection that I moved an amendment to the original bill, inserting the provision that it be done *by treaty*, because I was not willing, with the utmost confidence in the President of the United States, that the terms upon which we were to expend hundreds of millions of dollars and control this great public work, constructed by us, should be fixed by the Executive without the intervention of the Senate.

After long negotiation the President sent to the Senate a treaty with Colombia. I have no right to refer to that treaty. The Senate saw fit to make public what was said *against* it, but what was said *for* it rests in the confidence of the Senate, in the vaults of the Senate. It was ratified—

Mr. TELLER. I should like to ask—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes.

Mr. TELLER. I should like to ask the Senator if the whole proceedings were not made public? I so understood.

Mr. SPOONER. No, sir; they were not. The speeches of the Senator from Alabama [Mr. MORGAN] were published.

Mr. TELLER. I think they were all made public.

Mr. SPOONER. No; the Senator is mistaken.

Mr. TELLER. Very likely.

Mr. SPOONER. No, it is not very likely, for the Senator is not often mistaken.

Mr. TELLER. I thought we had made them all public.

Mr. SPOONER. No, we did not. We made public the speeches which were against the treaty and we kept secret the speeches which were made for it.

Mr. TELLER. That was rather remarkable.

Mr. SPOONER. Well—

Mr. DEPEW. Mr. President, I have a recollection of the action of the Senate in that case, because I had a speech in there myself. [Laughter.]

Mr. SPOONER. Yes.

Mr. DEPEW. The Senate passed a resolution permitting the Senator from Alabama [Mr. MORGAN] to print in the RECORD his speeches against the treaty. Then the Senate passed a resolution "interring" the other speeches in the custody of the Secretary of the Senate, to be released after the treaty was ratified by Colombia.

Mr. SPOONER. Or rejected.

Mr. DEPEW. Or rejected. They were never released.

Mr. SPOONER. They have never been released; and so far as the speech I made is concerned, I hope it never will be released. I do not want the trouble of revising it.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. I want to get some information. I do not trust my memory these days.

Mr. SPOONER. Why not?

Mr. TILLMAN. Because it is simply treacherous.

Mr. SPOONER. Oh, no. [Laughter.]

Mr. TILLMAN. It remembers some things very acutely, and lets go of others.

Mr. SPOONER. It remembers possibly what it ought to forget. [Laughter.]

Mr. TILLMAN. Yes; and the Senator from Wisconsin is in the same fix, I judge. I was trying to recall a vague remembrance I have that the Senator from Illinois [Mr. CULLOM] made an explanation in the Senate in defense of that treaty.

Mr. SPOONER. That was published.

Mr. TILLMAN. Yes; and then in the hurry and anxiety to get a vote, a unanimous-consent agreement I will say, or a trade, or whatever other thing you may term it—I hope I am not disclosing any Senatorial secrets—

Mr. SPOONER. The Senator is.

Mr. TILLMAN. Well, we always have unanimous consent here when we want it, do we not? Anyhow, an understanding was had, I will say—and I will try to speak euphemistically and vaguely, as is the custom here of some people [laughter]—that if the Senator from Alabama [Mr. MORGAN] should be allowed to publish to the country his objections to the treaty and his reasons for opposing it, then a vote would be permitted.

That is how certain set speeches were published, and everybody concluded to keep their speeches bottled up, including the Senator from New York [Mr. DEPEW], provided the Senator from Alabama would let us vote.

Mr. SPOONER. I do not think the Senator from New York ever concluded to keep his speech bottled up [laughter]; but the Senate concluded to keep his speech bottled up, and the same thing is true as to the rest of us.

Mr. President, the President of the United States was to go to Nicaragua if he could not within "a reasonable time" obtain a satisfactory title to the property of the New Panama Canal Company and the requisite concessions from Colombia. That is a fair statement of it.

This proposed treaty, negotiated by the President of the United States in the exercise of his constitutional power, in harmony with this law, was, after a long time spent in this Senate, ratified and transmitted to Colombia for ratification. It was discussed perhaps—I do not know—but it was before the Colombian Congress until what time?

Mr. LODGE. Until the 31st of October, I think.

Mr. SPOONER. Until some time in October of last year, the Senator from Massachusetts says, when it was rejected. No man who cares anything for justice or for his own respect can impute any failure of duty to the President of the United States under this law up to the rejection of that treaty by Colombia.

What happened then? I do not intend to discuss Colombia now in her relations to that treaty, or the grounds upon which it is alleged to have been antagonized in the Colombian Senate; but, Mr. President, after its rejection a bill was introduced in the Colombian Senate proposing to *authorize* the President of Colombia to enter into a treaty for the requisite concession to the United States of the easements necessary to enable us to construct, maintain, and operate the Panama Canal.

Will any Senator on the other side say that under this act, the treaty being rejected and a bill being introduced authorizing the President of Colombia along certain lines to make a treaty proposition to the United States granting us the concessions we needed, the President would have been authorized to turn away from Panama and commit this country forever to the construction of a canal upon that route which the Congress of the United

States had decided was, in its judgment, although a practicable route, *the inferior route?*

Mr. TILLMAN. Mr. President—

Mr. SPOONER. Let us be fair about this matter.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. Has the Senator any evidence—I mean actual evidence now, not hearsay or reports or guesses—but any evidence that would be admissible in a court of law to sustain that statement? I just want to know; that is all.

Mr. SPOONER. Mr. President, I am not guessing. I am not in the habit of making assertions in the Senate without some foundation; and I have at my home a report made by a committee of the Colombian Senate on that bill, which I shall take great pleasure in reading to the Senate when I come to discuss some of the larger phases of this transaction.

That bill, Mr. President, the President of the United States was informed of, as the papers here show, and he was bound under the law to wait for.

Mr. TILLMAN. Then, Mr. President, if the Senator will allow me—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Always.

Mr. TILLMAN. If that was the moving cause, or if that is the excuse for the contention that a reasonable time has not elapsed, would it not have been in accord with international obligations and—I hate to use a word to offend—decency that we should give Colombia an opportunity to make her proposals, and let her Government submit to ours its contention or desire or offer, and not step forward and inaugurate a secession in Panama?

Mr. SPOONER. Oh, Mr. President, there would be pertinency in the Senator's observations if they had any foundation whatever in truth. It is not in any respect whatever a question of international law. I resent the word "pretext" which the Senator uses in connection with the action of the President in this matter. There has been no *pretext*. This is not a "cow case."

"Reasonable time," Mr. President, is not defined by law. What the courts hold to be "reasonable time" as to one transaction and under one set of circumstances they do not to be "reasonable time" as to another transaction under other circumstances. I have not the time to read authorities, but they ought not to be necessary.

The President in construing the phrase "reasonable time"—and it was for him to construe, Mr. President—was bound under his oath to keep in his mind the magnitude of the transaction, the fact that it involved negotiations and agreements with another Government. When Senatorstal about "reasonable time" upon the theory that under this law it was the duty of the President the moment the Colombian Senate rejected that treaty to turn his back on Panama and go to Nicaragua, they argue, Mr. President, far, far away from the purpose of the law, from the language of the law, from the definition of "reasonable time" afforded by the law and by the common sense of the transaction.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Yes.

Mr. LODGE. The Senator will allow me to call his attention to what I know he is aware of, that the Colombian Senate rejected the treaty on the 14th of August. Shortly after a bill was introduced in that body to renew negotiations. They indefinitely postponed that on the 14th of October.

Mr. SPOONER. I thank the Senator, but I put this question to Senators on the other side: Forgetting that there is any side in this Chamber, reading that law, remembering the preference of Congress, keeping in mind the obligation put upon the President, is there a Senator here who will say if he had been President of the United States, obeying this law, he would have turned his back on the preferred route, the route which Congress put first, and bound the country irrevocably to the other route so long as there was a proposition pending in the Congress of Colombia looking to the granting of the requisite concessions to us for the Panama route?

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. What would the Senator from North Carolina have done in this case had he been President?

Mr. TILLMAN. As I do not have the honor to represent North Carolina, I will have to ask one of the Senators from that State to answer.

Mr. SPOONER. I mean South Carolina. I beg the pardon of South Carolina, of North Carolina, and of the Senator. [Laughter.] I asked the Senator a question, Mr. President.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. SPOONER. No; not until the Senator has answered my question.

Mr. TILLMAN. I am not a Yankee. [Laughter.] I do not ask a question in order to answer other questions.

Mr. SPOONER. I am a Yankee, and I asked the question, and I should like to have it answered.

Mr. TILLMAN. If the Senator will allow me, I will answer it by asking him one.

Mr. SPOONER. That is no answer at all, and I excuse the Senator from answering the question.

Mr. TILLMAN. I will answer it after I get through with this one.

Mr. SPOONER. No.

Mr. TILLMAN. You want to ask me what I would do if I were President?

Mr. SPOONER. The Senator will answer it now?

Mr. TILLMAN. Yes.

Mr. SPOONER. I asked the Senator whether, had he been President of the United States, operating under this law which had preferred the Panama route, he would have turned his back on the Panama route and irrevocably bound this Government to the Nicaragua route so long as there was pending in the Congress of Colombia a bill looking to the granting to us of the requisite concession.

Mr. TILLMAN. Now, Mr. President, I will answer that with a great deal of pleasure.

Mr. SPOONER. Well.

Mr. TILLMAN. If I had been President—

Mr. SPOONER. I assume that.

Mr. TILLMAN. I have been governor of my State, and I have had some executive work.

Mr. SPOONER. Yes.

Mr. TILLMAN. I would have thought this—

Mr. SPOONER. What would you have done? [Laughter.]

Mr. TILLMAN. Well, I would have done this. The Senator knows that I am not going to dodge, and, if I do, he is too adroit a fencer to let me off.

Mr. SPOONER. I do not think the Senator will dodge if I can prevent him.

Mr. TILLMAN. Perhaps you may get in that interesting situation yourself before I get through.

Mr. SPOONER. Probably.

Mr. TILLMAN. I say, if I had been President, I would have taken this ground, and this view of it, and this action: The plain letter of the law I would not have disobeyed, but I would have entered into negotiation with Costa Rica and Nicaragua to see what kind of a trade I could have gotten there, and I would have been ready to report to Congress when it assembled just what the alternative proposition was in regard to Nicaragua, not that I would have bound this Government, for I would not—

Mr. SPOONER. Does the Senator mean, if he will permit me to interject a question—

Mr. TILLMAN. Oh, certainly.

Mr. SPOONER. Does he mean to say that he would have abandoned Colombia?

Mr. TILLMAN. Not at all. I just said I would not have bound this Government by any treaty. Of course, any new treaty would have to be submitted to us anyway; but I would have bargained and I would have found out the position of Nicaragua and Costa Rica as to what they would have to offer in the way of an interoceanic canal.

Then I would have reported back to the representatives of the people, the masters of the President in one sense, just what the situation was; and then, if this Congress had authorized me, as it might have done, I believe I would have preferred that course to the one that was taken and have said to Colombia: "You are a mangy lot; you are dickering with us and attempting to rob us and obstructing the progress of civilization and commerce; get off the face of the earth; we will take the Isthmus and build a canal and own the country." That is what I would have done. [Laughter.]

Mr. SPOONER. As a Republican, while not at all approving the language of the Senator from South Carolina, I am grateful for his enthusiastic indorsement of the action of the President. [Laughter.]

Mr. TILLMAN. Mr. President, it has taken the Senator from Wisconsin several seconds to gather that idea.

Mr. SPOONER. I will tell the Senator why I was waiting.

Mr. TILLMAN. I shall be glad to hear it.

Mr. SPOONER. I will tell him. The Senator recited what he would have said to Colombia had he been President, and I was waiting a few minutes to thank God in my own heart that we have a President who would not say any such thing in that way to any government under the bending sky.

Mr. TILLMAN. Now will the Senator allow me?

Mr. SPOONER. Certainly.

Mr. TILLMAN. Would you not prefer—and I speak personally now—

Mr. SPOONER. Oh, personally.

Mr. TILLMAN. Yes; to the man, not to the Senator. Would you not prefer that we should have a President who would go as the advance agent of civilization, as you call it, as a spokesman of civilization and of progress, and say to those people, "Get out of the way!" rather than for a President to mix up in a disreputable, dishonorable creation of a so-called republic in a back room and make a treaty with it within forty-eight hours after the republic has been born somewhere by a bastard process that nobody yet understands?

Mr. SPOONER. Well, I suppose everything that is born has got to be born somewhere. [Laughter].

Mr. TILLMAN. There are Cesarean operations sometimes.

Mr. SPOONER. Mr. President, I will not take the time now, because it does not meet the purpose of my argument, to characterize the Senator's statement as to the action of the President in this matter. He asserts that the President has had complicity in the revolt of Panama from Colombia.

The President of the United States, who is entitled to the respect of the people of the United States, has in a formal message to Congress repudiated that suggestion, but his denial with right-thinking men was not necessary.

I take the time, in departing from what I wanted to say, to make the further observation that on another occasion I shall undertake to show to the Senate that in what the President has done on the Isthmus of Panama he has violated no principle of international law.

He is justified by every principle of international law, and the Senator will find before he gets through with it, Mr. President, that a platform in a political campaign, under the circumstances which surround this transaction, which imputes dishonor to the Administration and to the brave, fearless, frank man who sits in the White House will find no sympathy with the people of the United States in the South or in the North.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. Replying to the last part of the Senator's utterances, I want to say that I have no authority, and I do not assume any, to speak for anyone here but myself. I have no desire or intention of reflecting on the honor of Theodore Roosevelt, or on his honesty; but the circumstances, the facts, are very unfortunate for the contention of the Senator from Wisconsin, and I want to ask him before he gets through—

Mr. SPOONER. Ask it now.

Mr. TILLMAN. Oh, I am going to ask it now; but I want to ask the Senator, before he gets through with the defense of the action of the President in this instance, to explain to us under what authority of law the President of the United States has used the Army and Navy of this country to warn Colombia from reconquering her rebellious province, if she saw fit to attempt it.

Mr. SPOONER rose.

Mr. TILLMAN. Excuse me one minute. I know the Senator will say that it was our right under the treaty and our obligation to preserve the isthmian transit. If the President had confined himself to that, I would be the last man to criticize his action; but he has gone far afield from any such pretense. He is now the only sponsor, the only godfather and protector of this Panama Republic, with which he has entered into a treaty, which he asks us to ratify. Now, let the Senator explain, if he will, where the President got the authority to use the Army and Navy to warn Colombia off her own territory.

Mr. SPOONER. Mr. President, it does not accord with my purpose to-day to enter into a discussion of that question. I rose only for the purpose of addressing myself in an entirely impromptu speech to the charge that the President of the United States had, in his relations to the canal transaction, violated an act of Congress. I rose for the purpose of demonstrating, if I can—and I can—that, so far from having violated it, he has scrupulously obeyed it.

But I depart just far enough here to say, in answer to the Senator from South Carolina, that, in my judgment—and it is susceptible of demonstration—if the President of the United States, after the recognition of the Republic of Panama, had confined himself to protecting merely the railway transit he would have violated a treaty of the United States and an honorable obligation of the United States.

Mr. PATTERSON. What treaty?

Mr. SPOONER. I undertake to say, in addition to what I said yesterday, that as to his action as to what transpired before the

revolt or before the declaration of independence of Panama no man here or anywhere else can successfully impeach his right.

With those two suggestions—which I assure my friend I do not mean to forget, and I will attempt to deal with them later, on a more auspicious occasion—I come back to the question which I put to the Senator from South Carolina, and which he did not answer.

Mr. TILLMAN. I certainly tried to. I was very clear. Everybody could understand me.

Mr. SPOONER. The Senator from South Carolina could answer it.

Mr. TILLMAN. Possibly the Senator will suggest how.

Mr. SPOONER. By forgetting politics; by forgetting everything except the merits of this situation; by reading again this act; by addressing his mind to the purpose of Congress and the meaning of the words "reasonable time" in this case, the Senator would have no difficulty, I think. My thought is a compliment to the Senator from South Carolina in my heart and meant to be on my lips, for I recognize his ability and his general frankness.

I think the Senator from South Carolina, between man and man, for that is the test, ought to be willing to say that while a proposition was pending in the Colombian Congress to authorize a treaty with the United States granting to us the concessions we required for this route which Congress preferred it was the duty of the President of the United States to await the issue of that proposed legislation.

Mr. TILLMAN. If it will do the Senator any good, I will acknowledge that in a minute. I thought I had done so a moment ago.

Mr. SPOONER. No; you did not.

Mr. TILLMAN. I intended to. It was simply an omission, because there was in prospect—

Mr. SPOONER. My friend, I thank you.

Mr. TILLMAN. There is no need to thank me for being honest, because I try to be that under all circumstances and everywhere, and to tell the truth as I know it.

Mr. SPOONER. That is what I thought; but I thank the Senator for vindicating my faith in him.

Mr. TILLMAN. I am obliged to the Senator for the compliment. What I contend, if the Senator will permit me, is that after the Colombian Congress had rejected the treaty and then postponed indefinitely the bill authorizing additional or new negotiations, then the reasonable time had expired. Now it is a question of common sense.

Mr. SPOONER. The Senator from South Carolina has admitted—my question was no trap; I sought only the truth—that so long as there was pending, after the rejection of the treaty, a bill in the Colombian Congress to authorize a treaty conferring upon the United States the rights which we desired, the President would not have been justified in turning his back upon the preferred route and binding the country to the secondary route, although a practicable route. That bill was not disposed of until the 16th day of October. Before that time, I think, the extra session of our Congress had been called. Was it not before that time that the extra session was called?

Mr. TILLMAN. The call was issued about the 1st.

Mr. SPOONER. The 1st of what?

Mr. TILLMAN. About the 1st of November. Let it be granted that it was before. I do not care.

Mr. SPOONER. I care. My friend the Senator from Iowa [Mr. ALLISON] says, and I do not know that I have ever known him to be mistaken—

Mr. ALLISON. I may be mistaken in this matter.

Mr. SPOONER. That the call for the extra session of Congress, to meet on November 9, was issued about the middle of October. I am informed that it was issued the 20th day of October; in other words, Mr. President, about the time the Colombian Senate indefinitely postponed this bill.

Mr. NEWLANDS. Will the Senator from Wisconsin permit me a question?

Mr. SPOONER. Certainly.

Mr. NEWLANDS. I wish to ask you whether, in your judgment, the rejection of the proposed treaty by Colombia in August of last year, and subsequently in October the indefinite postponement of a bill providing for a reconsideration, constituted a grievance on the part of the United States against Colombia, became either a breach of contract of the previous treaty or a breach of international law?

Mr. SPOONER. Is the Senator through?

Mr. NEWLANDS. Yes.

Mr. SPOONER. The Senator from Nevada puts to me a question which, of course, he will admit has no relevancy whatever to the matter which I, in an unmethodical way, am attempting to discuss. But I have not the slightest objection to answering the question of the Senator from Nevada. Under all the circumstances, I feel bound to say, since Colombia had sought the treaty

and since it had been so framed as that the only objection to it in the United States was its generosity to Colombia and its injustice to the United States, that the United States had a moral grievance. When the Senator asks me whether it was an act of war or a breach of contract in international law, I can not say to him that I think it was either.

Mr. NEWLANDS. Yet, if the Senator will permit me—

Mr. SPOONER. Certainly.

Mr. NEWLANDS. The President of the United States holds that it was a breach of the spirit of the convention of 1846, which was a treaty to maintain the free transit across the Isthmus, and which, according to his contention, implied the grant of every kind of accommodation in the future that was essential for the purpose.

Mr. SPOONER. Mr. President—

Mr. NEWLANDS. I call the Senator's attention to the fact that if we had a grievance against Colombia for a breach of the contract of 1846, either in its letter or in its spirit, the treaty of 1846 provided that the offended party having any grievance should make clearly and unequivocally its statement of the grievance before declaring war.

Mr. SPOONER. Oh, Mr. President, that—

Mr. NEWLANDS. And I ask the Senator whether that was complied with?

Mr. SPOONER. That refers to a breach of the treaty stipulations for which one party—

Mr. NEWLANDS. That is what I think, but the President contends otherwise, that the spirit of that treaty was broken.

Mr. SPOONER. The President is not making my speech.

Mr. NEWLANDS. Very well.

Mr. SPOONER. But the President is right, in my opinion.

Mr. NEWLANDS. Right in what?

Mr. SPOONER. Right in this.

Mr. NEWLANDS. In contending—

Mr. SPOONER. If the Senator will let me—

Mr. NEWLANDS. Is he right in contending that it was a breach of the treaty?

Mr. SPOONER. He was right in this: He was not right in contending, nor does he contend, that the failure to ratify the treaty was a breach of the treaty of 1846. He says it was a breach of the spirit of it, the motive of it, for Colombia sought the treaty of 1846, and she sought it because she asked the United States by means of it to agree to protect her against the threatened aggressions of England and France.

Mr. PATTERSON. Mr. President—

Mr. NEWLANDS. Will the Senator allow me another question?

Mr. SPOONER. I have hardly ever in my life here objected to interruption. I will make a speech some time—

Mr. PATTERSON. I want to correct the Senator from Wisconsin in a grave error.

Mr. SPOONER. Very well.

Mr. PATTERSON. He says that New Granada sought the treaty of 1846. If the Senator will read the correspondence that was transmitted to Congress by President Polk, he will find that it was the United States which sought the treaty, and the reason it sought the treaty was to get rid of the grave discriminating duties that had been enacted by New Granada against the United States.

Mr. SPOONER. Mr. President—

Mr. PATTERSON. And let me suggest this further: The Senator will find it by reading the correspondence. New Granada would not grant the prayer of the United States unless it entered into this stipulation in section 35 of the treaty, and it is that section which is the subject of contention now.

Mr. SPOONER. Of course New Granada wanted section 35. I am not prepared at this time to permit the Senator from Colorado to correct me as having fallen into error. If, when I have discussed—I know his purposes are sincere, and he believes—

Mr. PATTERSON. Yes, it is plain from the correspondence.

Mr. SPOONER. Possibly it is plain from the correspondence the Senator has read.

Mr. PATTERSON. Well, Mr. President—

Mr. SPOONER. But—

Mr. PATTERSON. Just one moment: The correspondence I read was all the correspondence that was sent to the Senate by President Polk and printed under the order of this body. It is now a public document, accessible to any Senator.

Mr. SPOONER. That may be, but I prefer that the Senator, if it would be equally agreeable to him, would reserve his correction of my error until he has discovered whether I am in error or he is in error. I myself have looked somewhat into this subject.

Mr. NEWLANDS. Will the Senator from Wisconsin permit me another question?

Mr. SPOONER. Yes.

Mr. NEWLANDS. I understand that the Senator now admits that Colombia, by its act in rejecting this treaty, did not violate

the treaty of 1846, though, as he says, it violated its spirit. I then assume that he does not consider that by reason of that action the United States had a grievance which it could state under the terms of the treaty. Now, then, I ask whether the United States had, under the principles of international law, a grievance against Colombia and what remedy it had under the well-established principles of international law?

Mr. SPOONER. Mr. President, I am not a lecturer on international law, and the question which the Senator puts to me is, so far as concerns the matter I am endeavoring to discuss, a pure abstraction. The United States has asserted no grievance under international law against Colombia that I am aware of.

Mr. NEWLANDS. I call the attention of the Senator to the fact that the President of the United States has declared that he intervened. "Intervention" means a declaration of war against an offending state—taking sides in a controversy. If he did intervene, or if he did declare war by a hostile movement against Colombia, I ask upon what principle of international law he relied as to the statement of his grievance?

Mr. SPOONER. Well, if he did "intervene" and if he did "declare war," it would be one thing. But he did not do either.

Mr. NEWLANDS. Then I understand the Senator from Wisconsin to insist that when on the 2d day of November, before the Republic of Panama was created, when the Republic of Colombia was in existence, a Republic with which we had treaty relations, when that Republic was in the undisputed sovereignty of the Isthmus of Panama, an instruction was given to the naval forces of the United States warning Colombia off her own territory, refusing to permit her troops to land upon her own territory with a view to suppressing an anticipated, not an existing, insurrection, it was not an act of war.

Mr. SPOONER. I think the Senator from Nevada is in the situation of the gentleman spoken of by James Russell Lowell, who knew too many things that were not so.

Mr. NEWLANDS. I ask the Senator to state what is not so.

Mr. SPOONER. I say it is not true—

Mr. NEWLANDS. That he intervened with the naval forces?

Mr. SPOONER. I say it is not true that the Republic of Colombia, prior to the recognition of the Republic of Panama, was prevented from landing her troops on the Isthmus of Panama to repress disorder.

Mr. NEWLANDS. Let me read—

Mr. SPOONER. I will not let you read—

Mr. NEWLANDS. The absolute—

Mr. SPOONER. I respectfully decline to yield now.

The PRESIDENT pro tempore. The Senator from Wisconsin declines to yield.

Mr. SPOONER. There will be abundant time to discuss this whole subject. What I am after now—and I am going to spend only a few more moments on it—is the question whether the President of the United States has put his heel upon the act of Congress. It has been admitted, and it could not be denied, that so long as that bill was pending in the Congress of Colombia it was the duty of the President of the United States to withhold any action as to the alternative route.

When he learned of the rejection of that bill I do not know. It takes a long time to hear from Colombia. But I do know this, and it, from this point on, is the crucial question which these Senators must face in their onslaught upon the President of the United States. It had been determined to summon the Congress of the United States to meet in extraordinary session on the 9th day of November, not more than three weeks off. Is there a man of discretion anywhere, so situated as the President of the United States was, who, pending the assembling of Congress, would have acted, because his act would have been irrevocable, so far as he could make it irrevocable? What would a man who knew his duty and was anxious to do it do? He would have waited—

Mr. FORAKER. Mr. President—

Mr. SPOONER. Yes.

Mr. FORAKER. I will not interrupt the Senator.

Mr. SPOONER. He would have waited until the Congress assembled and presented this vital question for its consideration in the new circumstances.

Mr. FORAKER. I wish to call the Senator's attention to what the record before us discloses as to what information was before the President with respect to the rejection of that act and as to what was being done, subsequent to the rejection of that act, by the official authorities of Colombia.

If the Senator will give me his attention, on page 85 of Senate Document No. 51, Fifty-eighth Congress, second session, is printed the report made by the majority of the canal committee in the Colombian Congress, rejecting the proposed statute that had been pending until that time.

Mr. SPOONER. What date?

Mr. FORAKER. October 16, 1903. That is the date when it was rejected. Immediately following the rejection of that, on

October 17, Mr. Beaupré, our minister, wired the State Department as follows:

Have received information, confidentially, that there was a meeting of the cabinet yesterday to discuss the question of *renewing* canal negotiations with the United States and that the adjournment of Congress will be followed by the mission of special envoy to Washington for that purpose.

That is printed on page 85. At page 86, if the Senator will bear with me a moment—

Mr. SPOONER. I thank the Senator from Ohio.

Mr. FORAKER. There is the following: Under date of Bogota, October 21, 1903, Mr. Beaupré sends a long dispatch to the State Department, in the course of which he says:

The report of the committee on the canal question, which was read in the Senate on the 14th instant, has not yet been called up for discussion. As a matter of fact, the Government and Congress are playing a *waiting game*.

Then, after passing over a few lines, he says:

As a matter of fact, the Government and the Congress have waited and are waiting to ascertain, if possible, the final attitude of the Government of the United States concerning the canal matter before the life of this Congress is ended.

Then, on page 89, under date of October 23—

Mr. PLATT of Connecticut. After the special session was called.

Mr. FORAKER. I call the Senator's attention to this. As late as October 23, Mr. Beaupré sends the following:

The report of the committee not yet discussed. It appears to me the Congress is playing a *waiting game*, evidently with the object of ascertaining attitude of the President of the United States in his message to the extra session of Congress and of that body. It is said that Congress will not adjourn until 14th proximo. Minister for foreign affairs gives me private information that at the next meeting the cabinet will again discuss canal question, it being proposed to send an *envoy* extraordinary and minister plenipotentiary and also a commission of three prominent men to Washington to renew negotiations.

That was not received here until 5.23 p. m., October 24. There are other telegrams following that, showing that as late as the 29th of October the State Department was receiving from its representative at Bogota information of the same general character—information to the effect that the Colombian authorities had not abandoned the project of some kind of a negotiation, but that they were constantly keeping that in mind and giving him assurances that they would take further steps looking to an agreement between the United States and Colombia for the construction of the Panama Canal.

Mr. SPOONER. I thank the Senator from Ohio. I did not expect, when I came in, to address the Senate at all. I had marked the same parts of these papers for an argument later on in this matter. I have been intending to rely upon this proposition, that until the *adjournment of the Colombian Congress* beyond any possibility the President of the United States *would not have been justified in taking any action which would involve the adoption of the alternative of the canal act*.

Now, what happened? Congress was soon to meet. I do not know how it would be with others, but I can hardly conceive of a discreet, sensible President who, with the Congress of Colombia adjourning October 31 and the Congress of the United States to assemble on November 9, with a Congressional preference expressed in law for the Panama route, would have taken the subject into the Executive hand and attempted to foreclose it.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. Excuse me. I will finish, if the Senator will permit me.

The PRESIDENT pro tempore. The Senator from Wisconsin declines to yield.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. I will yield.

Mr. TILLMAN. I wish to ask the Senator would not a discreet President, such as he has described, have waited those nine days, from the time of the adjournment of the Colombian Congress until the assembling of the American Congress, to consult with us, and whether or not we wanted to warn Colombia off her own preserves, and whether we were going to recognize this so-called bastard Republic, as I will persist in terming it, and so forth and so on? Would not a discreet man have taken the time to consult the lawmakers of the country?

Mr. SPOONER. No, Mr. President. A President of the United States who understood the Constitution of the United States and was man enough to do his duty as President of the United States, under the law of nations, and to conserve the interests of the United States and the safety of the United States, would have done just what Theodore Roosevelt did. He would have recognized, when the time came, the Republic of Panama, and all the observations of the Senator from South Carolina are predicated upon an assumption of both law and facts, none of which, as I understand, are correct. The President of the United States, I will say to the Senator from South Carolina—and he does not need that information from me—is not obliged, under the Constitution, to consult Congress or the Senate as to whether he

will recognize the fact of independence anywhere on earth. No President has ever done it in the last analysis.

The Articles of Confederation gave Congress the power to acknowledge the independence of foreign governments by receiving ministers and ambassadors—

Mr. TILLMAN. You mean the President?

Mr. SPOONER. No, Congress; and by sending them. But it was so cumbersome, so weak, so far removed from a legislative function, that it became of the supremest embarrassment. It was impossible, whatever happened, whatever necessity there was to recognize the independence of a country, to enter into diplomatic relations with it in order to conserve the interest of the United States and to watch its safety, for the President to act or for any action to be taken when Congress was not in session.

That was one of the weaknesses of the articles of confederation. When the Constitution of the United States was framed, following the rule in England, following the rule in every government of consequence in the world, it was treated by the convention as an Executive function, being the mere ascertainment of and action upon a fact, and the fact it may be to-day one way, and a month from now another way. The Constitution gave the President the power to receive ambassadors, ministers, etc., and that is by all the principles of international law a recognition of independence.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. The Constitution did not shackle at all the power of the President in that respect by associating with it the Senate.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. The Senator from Wisconsin can not—I hate to use the word “dodge,” but it appears to me that he is rather shunning the crucial point.

Mr. SPOONER. Did not the Senator put the question to me, “Why did the President do something without consulting Congress?”

Mr. TILLMAN. You were speaking about a discreet President.

Mr. SPOONER. Did not the Senator put the question to me, why the President of the United States, who I say has acted with the utmost discretion, did not consult the Senate or the Congress before he recognized the Republic of Panama.

Mr. TILLMAN. The Senator is dealing with the question of recognition.

Mr. SPOONER. Then the Senator ought not to refer to me as dodging—

Mr. TILLMAN. I take it back.

Mr. SPOONER. When I answer his question by saying that no President of the United States who knows the Constitution or with the self-respect which becomes the President would consult the Congress or the Senate whether he would receive a minister.

Mr. TILLMAN. Now, will the Senator permit me? I apologize for any intimation that the Senator was dodging, because he is a brave fighter, and he is so adroit in his fencing that I always dread to meet him. But when I have got the truth—

Mr. SPOONER. Why do you not keep out of it, then? [Laughter.]

Mr. TILLMAN. I say when I have got the truth as a buckler I fear nothing that walks the earth.

Mr. SPOONER. You have not got it.

Mr. TILLMAN. Let us see whether I have got it or not. The Senator's contention is that the President has the right under the Constitution to recognize countries and receive ministers. Grant it. I do not dispute that. The point I want the Senator to touch on and illuminate is where the President gets any right to use the Army and Navy of the United States to protect a republic which he himself has created.

Mr. SPOONER. Oh, Lord!

Mr. TILLMAN. Ah, it is “Oh, Lord!” and somebody will cry “Oh, Lord!” very often before that question is answered. [Laughter.]

Mr. SPOONER. I was not referring to the Senator from South Carolina. [Laughter.] I hope he will not take that remark as being in any degree personal. The Senator's assertion has been made before.

Mr. TILLMAN. It has not been answered, and it can not be answered.

Mr. SPOONER. It has been answered and it will be answered again, and I answer it now by an assertion. I will answer it in detail on another occasion.

Mr. TILLMAN. When the case comes to trial?

Mr. SPOONER. When what case is tried?

Mr. TILLMAN. This case before the American people.

Mr. SPOONER. This case is before the Senate. I intend to debate it fully when the time comes, and I will answer it. But I repeat what I said before—I would not say it if I did not think it—

I would not utter a word in this body, based upon a principle of international law, except justified by my mind and my conscience; and on that basis I say that in my judgment the President has taken no step in all this business that was not justified by the Constitution, by treaty obligation, and by an honorable effort on his part to conserve in a patriotic way the interests of the United States and to obey this law of the United States.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. Now, if the Senator will permit me to proceed—

Mr. TILLMAN. The Senator is evidently so disinclined to any further interruption that I will not bother him any more. But I did want to ask him some questions. I will sit down, though. I will not insist on it.

Mr. SPOONER. The Senator embarrasses me. I dislike extremely to decline to permit an interruption.

Mr. TILLMAN. As I am a kind of an interrogation point tonight, I will accept the Senator's kindness in the spirit in which he tenders it.

Mr. SPOONER. Will the Senator adopt a schedule and put a limit on this business?

Mr. TILLMAN. Now, you are too provoking, my dear sir, for me to sit here and hear you dish out sophistries and all this special pleading and other—well, assertions, that are contrary to my knowledge of the facts, and I can not promise to remain quiet.

Mr. SPOONER. I am talking about the law.

Mr. TILLMAN. You Cyclops undertake to knock me over because I am an ignorant farmer, with no knowledge of the law. It is pitiful for you to do it. But I have some little recollection of the Constitution of the United States.

Mr. SPOONER. A man might read the Constitution and commit it to memory and yet not understand it.

Mr. TILLMAN. Oh, undoubtedly. We see that every day all around us; and I sometimes think, if the Senator will pardon me, that you lawyers who make your living by splitting hairs can not understand law as well as one of us fellows who depend on common sense.

Mr. SPOONER. Yes; if we allow you to determine what is common sense the Senator is undoubtedly correct.

Mr. TILLMAN. Well, let us get back to the question. If the Senator will permit me, the point I want to ask is this: Granting that the President has conserved the interest of the United States, as he understands it, that he is looking out solely for the benefit of this country, and that he has been very unscrupulous in his method, if the Senator will go so far—

Mr. SPOONER. Do you ask me to grant that?

Mr. TILLMAN. If I have granted the other, I think you might grant a little. [Laughter.]

Mr. SPOONER. I deny it.

Mr. TILLMAN. I will not put any words in the Senator's mouth. The point that I am after is this: How many people were engaged in this so-called revolution?

Mr. SPOONER. Oh, that is absurd.

Mr. TILLMAN. Well, you can not pooh-pooh it away, my dear sir. When there were four and a half or five million people down there in Colombia, it is not worth while to say that fifteen or twenty thousand could meet and organize a republic. I have here a newspaper published in Colon which gives an account of how this revolution, so called, occurred, and the Senator from Tennessee [Mr. CARMACK] has told us all about it.

But the point I want to make is that the President's message convicts him of preknowledge that something was going to occur there. He has stated in his message to us that he had reason to believe that a great many things were going to transpire; that the *Dixie* was ordered there and the other ship, and general orders were issued to this naval officer and that.

The point I am trying to get the Senator to answer when he comes later on to discuss this thing exhaustively, as I have no doubt he will, is to tell us what constitutes a reputable government which a President can recognize. That country has not had any election yet. It has no congress. It has nothing except a junta, or a hunta, or some other thing down there that was organized in some back room, and the evidence is pretty clear, I think, that our consul furnished the money to bribe Colonel Torres and his 500 men to withdraw without a fight. I will withdraw now and leave the Senator, but we will have it out again in the future to a certainty.

Mr. SPOONER. Of course. I hope the Senator does not intend to terrorize me.

Mr. TILLMAN. Oh!

Mr. SPOONER. I was only about to ask the Senator—

Mr. TILLMAN. That was my final subsidence. I have quieted down for to-night and will not say another word, I do not care how provoking the Senator may be.

Mr. SPOONER. The Senator asked when I expected to get at

his question. I will satisfy him about that. If the President had not informed himself of conditions on the Isthmus he would have been derelict. I was saying that the President has, under the Constitution, the right and the duty to acknowledge, in my judgment, the independence of the Republic of Panama, and I was saying to the Senator from South Carolina that as one member of this body I resent the suggestion from this place that a President—not only this President, but any President—has been unscrupulous in a great public transaction or in any official transaction. It is not befitting a coordinate branch of the Government.

Now, Mr. President, to go back. I will take up these other questions later. I am coming back to the point I was after. The President waited, and ought to have waited, until the Congress met in extraordinary session. But in the meantime events moved rapidly on the Isthmus. Panama revolted, declared her independence, and without bloodshed attained it. So that the Republic of Panama came to be, in fact, the only authority or sovereignty upon the Isthmus. The power of Colombia had been utterly expelled. What did he do? In this situation he promptly recognized the Republic of Panama. He negotiated with the Republic of Panama a treaty granting to the United States what? First, its consent to the sale by the New Panama Canal Company of the very property named in this canal act of Congress as to be bought at a price not exceeding \$40,000,000.

That treaty embodied the concessions and more than the concessions which were indicated by this canal act as the concessions which, by the decree of Congress, must be obtained from the Republic of Colombia before the President could buy the canal property or begin the construction of the canal. He has presented the matter to Congress. He has neither ignored nor abrogated the canal act. It is first for the Senate to say whether it will ratify that treaty. It is for the Congress to say whether it still prefers the Panama route.

The President has done nothing save in strict compliance with the "canal act" passed by the Congress. To say that his action violates that law because he has secured by treaty *all that the law contemplated and required, and much more*, but from a *new proprietor*, the "Republic of Panama," instead of from the old and *dispossessed* sovereign, the "United States of Colombia," is too technical and superficial to be other than childish.

The act of Congress contemplated as to the "preferred route" two things: First, a satisfactory title to the property of the New Panama Canal Company, including the canal, two-fifths completed, and, second, the requisite concessions to enable the United States to *construct, maintain, and control* the canal and the canal strip or zone. I need not now consider the title to be made by the canal company.

But as to the concessions, the President has sent to the Senate a treaty entered into with the *successor Government in ownership and sovereignty*, recognized as such and as independent by the United States, Great Britain, France, Germany, and other great governments "over sea," and by Cuba, Peru, Nicaragua, and Costa Rica, *assenting to the transfer by the canal company* to this Government of the canal property, and all the canal act contemplated and more in the way of concessions.

To say that this is not in harmony with the act, notwithstanding it is the *property provided to be purchased, over the land contemplated, and the precise concessions demanded by the act in the place indicated by the act for the price authorized*, is a suggestion utterly unworthy of one moment's debate.

Under the law of nations the Republic of Panama stands as to all this as fully the successor in sovereignty and proprietorship of the Isthmus of Panama as if at the passage of the canal act she had never lost her "first estate" and Colombia had never existed.

The route was the real thing. The title and concessions were what the act provided for, and it matters nothing, save for ground of carping, that the owner is Panama, not Colombia.

It might be claimed, with just as much sense, Mr. President, that if the Congress should pass an act authorizing the Secretary of the Treasury to buy a certain block in the city of Washington for a Hall of Records from John Jones, the owner, at a cost not exceeding \$500,000, when the time came John Jones had sold it to James Smith, who was willing to sell it for the price and pass a perfect title to the United States, there would be no authority in the Secretary of the Treasury to buy it, *although it is the property Congress described and purchasable at the price Congress fixed.*

The United States would get a perfect title to it at the price fixed by the act of Congress, but pending the passage of the act and the consummation of the transaction it had passed from one owner to another, who was perfectly willing to sell it to the Government. I doubt if any Secretary of the Treasury would hesitate to consummate it; I doubt if any Comptroller of the Treasury would hesitate to audit the account for the payment. In any event, in the substance of it the executive act *contracting* for it, in order to save the right to the Government to take it subject

to the removal of a technical objection by Congress, would be a strict and faithful and literal performance of duty by the Secretary of the Treasury.

When you come to this particular transaction, the President has entered tentatively into a contract to buy the property named in the first and second sections of the act, the right to control it, absolute sovereignty over it, perpetual in its character, and the only point Senators can make against it is the purely technical point that it is bought of the Republic of Panama, which now owns it, instead of the Republic of Colombia, which has ceased to own it.

That is the sort of argument, Mr. President, which would "rail the seal from off the bond." An attack upon the President of the United States upon a ground like that is so virulent and inexcusable as to find no possible explanation, except upon the hypothesis of partisanship of the bitterest sort. We can not test the wish of Congress upon this if we choose. It is "up to us." You have a resolution pending here directing the President of the United States to turn his back on Panama, to leave it to a French fleet to protect the interests of the French people on that Isthmus, and to turn to Nicaragua and build the canal there. That can be brought to a vote. I should like to vote upon it to-morrow. I should like to see Senators line up on it. That would involve not speech, but action.

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. Will the Senator allow me to ask him what resolution he refers to?

Mr. SPOONER. I understand that such a resolution was introduced here within a day or two.

Mr. TELLER. The Senator does not, then, refer to the one we are supposed to be discussing?

Mr. SPOONER. Oh, no; but that is the way to raise that issue. It is like the common law pleading, it brings the matter of controversy down to a point.

Mr. TELLER. Suppose the Senator introduces such a resolution then.

Mr. SPOONER. I would introduce it if it were not for the fact that I hate to introduce a thing which I will not vote for.

Mr. PLATT of Connecticut. Let them introduce it.

Mr. SPOONER. It ought to be introduced. I challenge you to introduce it. If there is anything but partisanship in this attack upon the President, based upon the slimmest, thinnest technicality that ever was imported into debate, it ought to be introduced by some Senator virulent in attack, full of insinuation and suggestion of dishonor, who is willing to vote for it after he has introduced it. The people then will see—

Mr. TILLMAN. If I had not promised to say nothing, I could not remain silent after that; but I shall have to go out of the Chamber while the Senator is discussing any such wild vagaries as those or I shall fail to keep my pledge.

Mr. SPOONER. Mr. President, I never thought—

Mr. TILLMAN. I intended that remark in no sense a discourtesy to the Senator [leaving the Chamber], but the Senator is just like a disordered— [Laughter.]

Mr. SPOONER. That is the only absolutely successful controversy I have ever had with the Senator from South Carolina. [Laughter.] I have been surprised a good many times in my life, but I never looked forward to the time when, in the presence of the people of the United States, I would be rebuked by the Senator from South Carolina for indulging in wild vagaries.

Now, Mr. President, I have said, and it has taken a long time because of interruptions, all I desire to say about this particular phase of this case. The President of the United States, I know, needs no defense here from anyone. He is a law-abiding President, if we have ever had one; and I only wish to say in conclusion that if, when he found he could secure an adequate title for the canal which Congress preferred, he had failed to avail himself of the opportunity because of this technical point on the law, in my judgment he would have lost something of the respect and admiration which the people of this country justly entertain for him as a brave, patriotic, frank man, who tries to do in substance as well as in letter what the law commands.

Mr. NEWLANDS. Mr. President, the Senator from Wisconsin questioned the accuracy of my statement regarding certain instructions which I claimed had been given by the Executive prior to the creation of the Republic of Panama, amounting, in effect, to a declaration of war.

The Republic of Panama was created, according to the statement of those who assisted in its creation, at 6 o'clock in the evening of November 3, and on the 4th day of November notice was given to our Government by a telegram addressed to it by the "junta," so called. I have in my hand telegrams addressed by the Acting Secretary of the Navy to our naval vessels both in

the Atlantic and Pacific waters dated November 2, from twenty-four to thirty-six hours prior to the creation of the Republic, as follows:

NAVY DEPARTMENT,
Washington, D. C., November 2, 1903.

NASHVILLE, care American Consul, Colon:

Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello, or other point. Send copy of instructions to the senior officer present at Panama upon arrival of *Boston*. Have sent copy of instructions and have telegraphed *Dixie* to proceed with all possible dispatch from Kingston to Colon. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment this would precipitate a conflict. Acknowledgment is required.

DARLING, Acting Secretary.

And then another, addressed to the commander of the steamer *Marblehead* on the Pacific coast, as follows:

NAVY DEPARTMENT,
Washington, D. C., November 2, 1903.

GLASS, *Marblehead*, *Acapulco*:

Proceed with all possible dispatch to Panama. Telegraph in cipher your departure. Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force, either Government or insurgent, with hostile intent at any point within 50 miles of Panama. If doubtful as to the intention of any armed force, occupy Ancon Hill strongly with artillery. If the *Wyoming* would delay *Concord* and *Marblehead*, her disposition must be left to your discretion. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment landing would precipitate a conflict.

DARLING, Acting.

So I insist that I was justified in my assertion that before the Republic of Panama was created, at a time when Colombia was in undisputed possession of the Isthmus and exercised undisputed sovereignty over it, a dispatch was sent to the armed vessels of the United States in Pacific and Atlantic waters instructing them to prevent the Government of Colombia from landing her troops upon her own territory.

Mr. TELLER. Mr. President, I understand the Senator from Nevada does not desire to proceed further to-night, and I should think it would be better to adjourn. I should, however, like to make an inquiry, which is, What is the status of the pending resolution?

The PRESIDENT pro tempore. By unanimous consent, if the resolution was not disposed of to-day, it was agreed that it should retain its place without prejudice; but under another unanimous-consent agreement the resolutions in relation to the Post-Office Department investigation would be first laid before the Senate in the morning, and then the resolution now pending.

Mr. PLATT of Connecticut. I do not believe the Post-Office resolutions are likely to take a great deal of time.

Mr. TELLER. I suggest to Senators who have the Senate in charge that it is late, and probably we had better adjourn.

Mr. NEWLANDS. I inquire, Mr. President, what will be my status, then, to-morrow?

Mr. CULLOM. Has the Senator from Nevada concluded his remarks?

Mr. NEWLANDS. I have not.

The PRESIDENT pro tempore. Whenever the resolution again comes up the Chair will recognize the Senator from Nevada.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 14, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 13, 1904.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. GROSVENOR. On yesterday, during the general debate upon the appropriation bill, I was duly recognized by the Chairman upon an assignment of ten minutes accorded me by the gentleman from Pennsylvania [Mr. BINGHAM] in charge of the bill, and I proceeded to occupy those ten minutes in making some—perhaps I may say able—remarks upon one or two topics to which I addressed myself.

Before leaving the Capitol to go to my boarding house I notified the RECORD messenger of the House of Representatives, who usually brings to Members the manuscript of their speeches, to bring that document to me last night as early as half past 7 o'clock; but I told him if anything should happen to him so that he could not get there that early, to come back between 11 and 12 o'clock and I would hand him the manuscript. This morning I find no evidence by the RECORD—no trace or suggestion—that I made any speech. I am a little in doubt, therefore, as to what my mental condition may have been yesterday. I am told

by the reporters that they sent the document to some Member of this House and that it has been suppressed; and the singular part of the transaction is that it does not even appear by the RECORD that I made any speech.

Now, I can not conceive it possible that any Member of this House could have gotten that manuscript last night and kept it out of the RECORD. Whoever may have received the manuscript had nothing whatever to do with it.

Mr. BAKER. Will the gentleman yield to me for a question?

Mr. GROSVENOR. No, I will not. I am utterly surprised to find that there is no trace whatever in the RECORD of my speech or of my having made a speech. I suppose I can get another copy written out from the notes of the reporter; but thus far I am wholly unable to trace any history of that momentous event.

Now I ask, Mr. Speaker, that I may have the opportunity to reproduce that speech and publish it in the RECORD as of to-day.

Mr. FITZGERALD. Mr. Speaker, I wish to say to the gentleman from Ohio [Mr. GROSVENOR] that my colleague [Mr. BAKER] desired to make a statement in connection with that of the gentleman; and I think—

Mr. GROSVENOR. I can not imagine how the gentleman's colleague could have anything to do with the matter.

Mr. FITZGERALD. I think that what has occurred is the result of misunderstanding or unfamiliarity on the part of my colleague with the method of procedure in these matters. I know that he had nothing to do with keeping the speech from the RECORD. I hope the gentleman from Ohio will give him the opportunity to explain the matter. That was his purpose when he sought to interrupt the gentleman.

Mr. CLARK (to Mr. FITZGERALD). Has your colleague got the speech?

Mr. BAKER. Mr. Speaker, yesterday I requested the reporters that I be furnished with a carbon copy of my remarks, having been informed that it is customary here for two copies to be furnished by the Official Reporters when such a request is made. The same was delivered to me at my house last evening. On perusing my remarks I was surprised to find that only one copy had been sent, but that with my remarks was a copy of the remarks of the gentleman from Ohio [Mr. GROSVENOR]. Having asked for two copies of my remarks and only one being sent, I supposed that the gentleman from Ohio had also been furnished with a copy of my remarks, so that he had a copy of mine as well as his own, as I had of his as well as my own. I had no idea that I was in possession of the original copy (as I may call it) of the gentleman's speech. I shall be gratified indeed to turn the speech over to the gentleman. [Laughter.]

Mr. GROSVENOR. Well, Mr. Speaker, this is a novel situation. I did not think my speech was of such vital importance that carbon copies should be furnished to anybody; and why I should not have had a call upon the telephone or some suggestion that my speech was straying about the town somewhere is something that I can not understand.

Mr. BAKER. I have already said, Mr. Speaker, that I asked that two copies, one a carbon copy, be made of my speech, and I was told that this would be done; and I assumed that the copy of the gentleman's speech which I received was one of two copies made by the Official Reporters of the House.

The gentleman has spoken of an attempt to suppress his speech. I hardly think a gentleman of his experience will assume that a new Member, entirely unfamiliar with methods of procedure here, would even think of such a thing as attempting to suppress the gentleman, considering his standing in this House.

Mr. GROSVENOR. I did not say that anybody attempted to suppress my speech. I said that somebody had suppressed it. [Laughter.]

Mr. BAKER. So far as I know, there has been no suppression. A carbon copy was supplied to me, and I assume that another copy was in the possession of the Official Reporters of the House. Mr. Speaker, I was told that two copies would be made, of which only one was sent to me.

The SPEAKER. Without objection, the RECORD will be supplied with the copy.

Mr. BAKER. May I have just a moment, Mr. Speaker, to continue for one sentence. I did not ask that I be furnished with a copy of the speech of the gentleman from Ohio, and have no idea why it was sent to me with my remarks. It was undoubtedly sent in error.

[The following was omitted from the RECORD of January 12. It should have appeared in the RECORD at page 736, after the statement "Mr. Baker addressed the committee," etc.]

Mr. BINGHAM. Mr. Chairman, I yield ten minutes' time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I do not see about me either of the distinguished Representatives from the city of Cincinnati, and yet I do not feel that the challenge of the gentleman from New York ought to go entirely unanswered. I admit that

his experience in Cincinnati politics is of a very much later date than mine, and much more interesting to the particular gentleman himself. He took part in that campaign of 1903 in favor of the "great Democrat, Tom Johnson," as he calls him. He made a great number of speeches appealing to the people there and telling them how poor they were and how much they were suffering; and having accomplished all that was apparently necessary to secure a great Democratic victory in Cincinnati, there was another county not far away which was a matter of a great deal of moment to the two parties because of its very close character politically.

The county of Highland had gone Democratic for the last three years, and in the emergency of the hour the Macedonian cry went up from the Democrats to send the gentleman from New York up there to make that victory also as assured as the one in Cincinnati. The result of the election was that the majority against Tom Johnson in the city of Cincinnati and Hamilton County approximated 29,000, and for the first time in many years a clean sweep was made for the Republican ticket in Highland County. [Applause on the Republican side.] Therefore I do not wonder that my friend has some personal ill feeling toward the situation in Cincinnati—I mean the political situation. I regret that he should enjoy and feel so happy over the suffering of the people of that city. He says that the description of the suffering of these people, the fact that they are resorting to soup houses, and that the courts have suspended sentence in regard to petty larceny, that that news is "so good" he wants to get it all into the RECORD. [Laughter.]

Mr. BAKER. Will the gentleman yield to me for a question?

Mr. GROSVENOR. No.

The CHAIRMAN. The gentleman from Ohio declines to yield.

Mr. GROSVENOR. I am sorry that the gentleman should feel thus, and jollify over suffering. I am sorry that he feels and rejoices that the laboring men at Youngstown are not to be paid full wages. It may be that some good may come out of that if it is true, which I do not believe; nor do I believe that the statement he read is from the Associated Press. I shall have to have evidence of it before I believe it. I do think it is from some newspaper writer, and no doubt the gentleman has it; but that the Associated Press has put afloat such a statement as that I do not believe.

Now, Mr. Chairman, I will undertake to say to the gentleman from New York that the pay rolls of the manufacturing industries of the city of Cincinnati are to-day double what they were on the day McKinley was elected President of the United States. [Applause on the Republican side.] This both in numbers and in wages paid. I will undertake to say that the amount of suffering for food in the city of Cincinnati does not number one to-day where ten were numbered then.

Mr. BAKER. Will the gentleman from Ohio yield for a question on that point?

Mr. GROSVENOR. No; I will not. Let me state in explanation of this newspaper article from Cincinnati. The city of Cincinnati is bordered by the Ohio River. Front street and the streets to which the gentleman has referred in that article are crowded with laborers connected with the Ohio River transportation—roustabouts, workers on steamboats, handlers of freight, brought together by the enormous traffic that goes out and comes into Cincinnati from the river. For the last three weeks or more the Ohio River has been barred by the presence of ice. Gorges above the city and gorges below the city have entirely suspended navigation in the Ohio River, and consequently, and necessarily, temporarily, a few people have doubtless been thrown out of employment and thrown out of their usual supply of food.

Beyond that any citizen of the city of Cincinnati will laugh at a man who undertakes to say that there are soup houses in the city of Cincinnati made necessary by the condition of hard times. He refers to Mike Mullen. I believe Mike Mullen is now a Republican. There was a time when he was an influential Democrat, and not so very long ago, either. He is not so influential now, but he has got into a class of people in the city of Cincinnati who doubtless belong to an organization headed, for political purposes, by Mr. George B. Cox. Inasmuch as a Member of Congress, who probably does not know the man, probably never saw him, but simply takes rumor for it, unless somebody should be misled by this talk, I want to say what I do not hesitate to say, that there is not a better, more public-spirited, upright citizen of Cincinnati to-day than George B. Cox. He is at the head of a great business concern, and his word in politics and in business is good among his neighbors. That may sound strange to some gentlemen, but does anybody suppose that in a city of the intelligence and wealth of Cincinnati, with the public schools and colleges of Cincinnati, a bad man can inflict a bad government upon that city for twenty years on a stretch without once being overthrown by the popular vote of the city?

Let me say, Mr. Chairman, again, there is not a city govern-

ment in the United States of America that can produce the evidence of good government, absolutely good government, that can compare with the city of Cincinnati. It has a mayor of high character, a gentleman, popular, strong, efficient, and able; a board of public affairs of the highest character in the city of Cincinnati; the judges on the bench are the very ablest men at the bar in Hamilton County; a tax rate in the city only about half of the tax rate of Cleveland—

Mr. BAKER. Will the gentleman from Ohio yield for a question on that point?

Mr. GROSVENOR. I will not. The city improvements are carried on in the very best possible and economical manner, and the great body of the citizens approve of the local government.

Two years ago last spring this same cry went up, and the result of it was a sweeping victory for the present mayor of Cincinnati. Last spring again the same cry went up, and yet with a tremendous vote Mr. Fleischman was again reelected mayor of the city by a large majority. It is a city representing wealth, intelligence, patriotism, virtue; and because Mr. Cox manages local politics is no reason why he should be assailed here, and an indirect attack made upon all the people of the city of Cincinnati. I do not believe in these assaults upon the great cities of my country. I do not justify any assault upon the city of New York. I certainly do not justify any assault upon the new and young and bright mayor of the city of New York, who is respected and beloved by us all. [Applause on the Democratic side.] And by that simple spirit of Americanism and patriotism, I challenge the man who assails the city of Cincinnati and its officers. [Applause.]

CONTESTED-ELECTION CASE—BONYNGE VS. SHAFROTH.

Mr. OLMSTED. Mr. Speaker, by direction of Committee on Elections No. 2, I offer for present consideration the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution. The Clerk read as follows:

Resolved, That Committee on Elections No. 2 shall be, and is hereby, authorized to employ an expert in handwriting to pass upon such matters or questions as shall be submitted to him by said committee or any subcommittee thereof in the contested-election case of Bonyng v. Shafroth, from the First Congressional district of Colorado, the expense of employing such expert to be paid out of the contingent fund of the House.

Mr. OLMSTED. Mr. Speaker, I wish to say just a word. In the contested-election case referred to in the resolution, and which has been referred to Committee on Elections No. 2, a question arises concerning the handwriting on a large number of the ballots. Under the law of Colorado each voter is required to do certain writing on his own ballot, in his own hand, in the privacy of the election booth. It is alleged that, in violation of that law, some of the official ballots were improperly secured and prepared in advance by other parties and found their way into the ballot boxes. The ballots were secured and impounded by the parties to the contest in Colorado, but were not examined there. They were brought to our committee in sealed packages. There statements were made by the parties to the contest as to what would probably be disclosed by those ballots. The ballots were brought before the full committee. The package containing those from one precinct was opened. We saw at once that it was impossible for the full committee to compare the handwriting upon several thousand ballots, and a subcommittee was appointed.

That subcommittee have unanimously reported to the full committee that they need an expert. As to some matters the subcommittee have no difficulty whatever, but as to others they do not like to risk their own judgment, and they insist that such an expert is necessary to enable them to determine the questions involved as to the handwriting upon some of these ballots and possibly in some of the poll books.

Mr. CLARK. Will the gentleman allow me to ask him a question?

Mr. OLMSTED. Certainly.

Mr. CLARK. How long would it take this expert to get through with this business?

Mr. OLMSTED. The subcommittee think it might take him a week or ten days.

Mr. CLARK. How much is it going to cost?

Mr. OLMSTED. I do not know. I am told that some of these experts are high priced; others are not so costly.

Mr. CLARK. Now, Mr. Speaker, the gentleman from Iowa yesterday, if I understood him correctly, said that a stenographer wanted him to certify a bill for \$43 for an hour and ten minutes' work. Now, if anybody is to be paid that sort of price, I object. I have no objection to a reasonable pay.

Mr. SHAFROTH. As I understand, everybody in the committee was perfectly unanimous for this. So far as I am concerned, I am perfectly willing to have it.

Mr. CLARK. Then let it go on.

Mr. TALBOTT. It is absolutely necessary to have an expert. The SPEAKER. The question is upon agreeing to the resolution.

The question was taken; and the resolution was agreed to. On motion of Mr. OLMSTED, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. NEEDHAM, for two days, on account of sickness in family. To Mr. DICKERMAN, indefinitely, on account of sickness in family.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 9480, being the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9480, the legislative appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. TAWNEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the House bill 9480, the legislative appropriation bill.

Mr. HEPBURN. Mr. Chairman, I would ask what was the pending motion?

The CHAIRMAN. The gentleman from Georgia has the floor for five minutes' time, being yielded to him yesterday.

Mr. BINGHAM. Will the gentleman from Georgia yield to me for a moment?

Mr. BARTLETT. I yield.

Mr. BINGHAM. Not to come out of his time, so that I may ask unanimous consent.

Mr. BARTLETT. Certainly, I yield to the gentleman, but do not yield the floor.

Mr. BINGHAM. In order to aid in perhaps necessary information in the debate on the civil-service appropriation I ask the reading of a letter from the Civil Service Commission that will make clear the inquiry made yesterday by the gentleman from Iowa. It will take but a minute, and that not out of the time of my friend.

Mr. BARTLETT. Not out of my time.

Mr. BINGHAM. I ask unanimous consent for the reading of the letter.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

UNITED STATES CIVIL SERVICE COMMISSION, Washington, D. C., January 13, 1904.

HON. HENRY H. BINGHAM,
Washington, D. C.

MY DEAR GENERAL BINGHAM: Mr. Courts, clerk of your committee, has just telephoned me asking for a statement as to the number of employees carried on the rolls of other Departments of the Government who, either incidentally or exclusively, are doing civil-service work on boards of examiners. In reply I beg to submit the following statement:

There are at present sixteen who, although carried on the rolls of other Departments, are working exclusively for the Commission. Of this number, six are in Boston, five in New York, two in Philadelphia, two in Chicago, and one in San Francisco. The Boston board handles applications, makes certifications, and is charged with the actual conduct of the examinations for all of New England. The New York board is organized for the purpose of doing the same work for a large section of New York State and a part of New Jersey. I might also add that for convenience two counties in Connecticut have been detached from the New England district and put under the jurisdiction of our secretary in New York.

The Philadelphia district covers the portion of New Jersey not cared for from New York, the State of Delaware, and over half of the State of Pennsylvania. The Chicago district includes all Federal offices in the city of Chicago, and the San Francisco district includes thirteen Federal offices in and around the city of San Francisco. Employees belonging to other branches of the public service have for a number of years been assigned exclusively to the work of the Commission in the cities named, but it was only recently that the Commission found it necessary to consolidate a number of civil-service boards into districts, so as to save officials at a distance the necessity of communicating directly with the Commission in connection with civil-service work which can as well be done by representatives of the Commission conveniently located in civil-service districts.

By this plan the Commission expects to secure closer supervision and greater dispatch in the work and a more effective administration of the civil-service law and rules.

There are about 3,500 members of local boards at post-offices, custom-houses, and other offices throughout the country, whose work for the Commission is merely incidental to their other duties. The chief of our application division, under whose direct supervision this work is carried on, estimates that the average time given by such employees would amount to less than a day a year for each man.

Very respectfully,

ALFRED W. COOLEY,
Commissioner.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2842. An act to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893;

S. R. 31. Joint resolution authorizing the erection and maintenance of a statue in memory of the late President Benjamin Harrison upon land owned by the United States in the city of Indianapolis, State of Indiana;

S. R. 32. Joint resolution to fill vacancies in the Board of Regents of the Smithsonian Institution;

S. 2820. An act for the relief of Hamilton D. South; and

S. 1753. An act for the relief of Pay Clerk Charles Blake, United States Navy.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9160. An act to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904," approved March 3, 1903; and

H. R. 9366. An act making appropriations for clearing the Potomac River of ice and for the removal of snow and ice in the District of Columbia.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BARTLETT. Mr. Chairman, I do not know what the letter just read contains, because I did not hear it and could not hear it.

The CHAIRMAN. The House will please be in order.

Mr. BARTLETT. I do not know that it had any reference to the particular subject to which I undertook yesterday afternoon to call the attention of the House, and that was the violation of the law by the Civil Service Commission in the matter of the appointment of Michael W. Louis to the position of superintendent of the division of supplies in the Post-Office Department, as is set out in the report of the Fourth Assistant Postmaster-General and transmitted to Congress by the President, with his memorandum upon it containing his most cordial approval of what the Fourth Assistant Postmaster-General had done, and what he had said to the President, and what the President through him says to the Congress.

I had no sooner taken the floor, Mr. Chairman, than my friend the gentleman from Wisconsin [Mr. COOPER] asked me a question which injected politics into the discussion. The gentleman asked me to point out one man mentioned in this report who was guilty of fraud and corruption.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit me a question?

Mr. BARTLETT. If the gentleman insists, yes.

Mr. COOPER of Wisconsin. I was interrupted when I reached that point, and my question was this—

Mr. BARTLETT. I have that question here.

Mr. COOPER of Wisconsin. I understand, but you will see by what follows that I had not completed my question. My further question was this, Was one of the indicted persons appointed under the civil-service law or how many? That is the question.

Mr. BARTLETT. I do not know. We know when the civil service was put in force.

The President in his memorandum, Mr. Chairman, on pages 7 and 8 of this document which I hold in my hand, being the report of the Postmaster-General in the investigation of the Post-Office Department, transmitted here on December 5, sets forth a list of the men in the Post-Office Department who had been indicted, accused, and discharged from the post-office service on account of alleged offenses—and I use the word "alleged" because I do not stand here on the floor of this House to charge that any man is guilty of crime, especially when those men must undergo trial in the courts.

I do not undertake to say, nor deem it to be my place—whatever I may believe the proper conclusion to draw from the evidence furnished from the Fourth Assistant Postmaster-General's report, who is a good Republican and a high official in the councils of the Republican party—I do not deem it proper that I, as a Representative here, whatever may be my belief, especially when some of these men are now on trial in the courts of this city and charged with many violations of the law, should say they are guilty of the offenses charged.

But, Mr. Chairman, I do say that these frauds, so characterized

by the Fourth Assistant Postmaster-General, and called by the President "corrupt practices," some of them, at least, would not have occurred (in one particular, at least, the case of the appointment of the chief of the supply division in the Post-Office Department), might not have been perpetrated, unless the Civil Service Commission had permitted the irregular and unlawful appointment of this official. The Fourth Assistant Postmaster-General in this report ascribes the violations of the laws to the fact that the Civil Service Commission had violated the law.

The rules and the regulations which they themselves had presented were and the law upon the statute books as to this appointment was undoubtedly violated. That is what I desire to present to this House. I did not intend to call any attention to the politics of the men said to have been engaged in these great frauds. The matter is not whether a man is a Democrat, or a Republican, or a Populist, but it is a matter of concern whether he has defrauded the Government, or whether the party in power and the officials under whom he works have been guilty of negligence in not discovering the frauds.

The CHAIRMAN. The gentleman's time has expired.

Mr. CLARK. I ask unanimous consent that the gentleman's time be extended for ten minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Georgia be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Chairman, I say that the President called attention to the number of men who were implicated in the wrongdoing and frauds committed in the Post-Office Department; next, those who have been indicted by the courts and those who have been discharged, or who have not been indicted; and, upon investigation, out of that thirty-four or thirty-five—I do not undertake to be quite accurate—I find that there are only four who were appointed either under the civil-service law or otherwise while the Democratic party was in control of the Government. The other thirty or thirty-one went into office either as appointees of Republican officials or under the civil service while the Republican party was in charge of the administration of the Government.

Now, I did not intend to make any suggestion of this kind, but my friend the gentleman from Wisconsin [Mr. COOPER] hardly permitted me to utter three words after I took the floor before he came in with the inquiry with reference to politics. Now, you gentlemen may make all you want to out of this list. It is not a list prepared by a Democrat; it is not a charge made by a Democrat; it is not a charge made by Democratic officials. It is a charge made by an earnest Republican from the State of Kansas, who stands high in the councils of the present Administration, and whose work has been indorsed and approved by the President of the United States, and whose conclusions are said by the President to have been fully justified by the facts.

Now, as a part of the case, I desire to call attention to the part of the report which I put into the RECORD of this one instance. I have not time to call attention to more, but I call attention to this because it is on the very threshold of this report. It meets you at the start, at the very door, and stands out as a bold, bald violation of the law; and the man who violated the law, the man who encouraged it, the man who started it, the man who asked it, is a former First Assistant Postmaster-General, Perry S. Heath, now secretary of the national Republican committee.

I have put it into the RECORD. It showed a violation of the law, and that violation of law was known to and permitted by the Civil Service Commission. There was appointed a cashier at the post-office in Kansas City, Mo. By a letter, which I put into the RECORD, dated April 17, 1897, when Mr. Heath had hardly got accustomed to his new duties, he asked that this man Louis be appointed cashier in the post-office at Kansas City, Mo., and carried there on the pay roll of that post-office, and that his vouchers would not be signed there, but would be sent from here.

Immediately upon his appointment, never having gone to Kansas City, never having performed a minute's work in that office, what was done with him? Why, he was appointed chief of the division of supplies in the Post-Office; and how did they make a vacancy? There had been a man filling this position in the office for over a year. His position was in the classified service, but it does not appear, says the report, that any complaint was ever filed against him; he was not charged with inefficiency or misconduct. On April 15 he was requested to resign by the First Assistant Postmaster-General, but submitted his resignation to take effect after thirty days, and he was given leave of absence for that period.

Two days after that the place was filled by pretending to put the man in the office at Kansas City, Mo., and then immediately, almost with the same stroke of the pen, on the same date, appointing him to this office made vacant by the First Assistant Postmas-

ter-General; and what does this officer making this report say with reference to it?

On the same day he was appointed; he never had visited Kansas City; never performed any work of any character in connection with the Kansas City post-office.

After he had been appointed superintendent in that position he was asked to be excepted from the provision of the rules of the civil-service law. Right here I will say that I intended to secure a report of the Civil Service Commission for last year, but I have not been able to get it. I wanted to see how many more exceptions there may be from the law governing this great Commission that is to protect the Government from the spoils system at the instance of high officials. I understand that if the inquiry could be made and an answer procured, they would be more numerous in the past year than they have been under the Administration of any other former Republican or Democratic President. I do not know the truth of it—I am simply informed that such is the fact.

Here is what the Civil Service Commission did: They gave him a special examination, and when he came to be examined, to show why he was competent above everybody else, simply because by this illegal appointment he had had three months' service in the Post-Office Department the Civil Service Commission said that they would give him a rating of 50 out of 100 in order that he might get the position. That is to say, they gave him the position on account of the proficiency he had acquired because of three months' service in this Department of the Government.

Of course this was given to him as a mere gratuity, given to him by this Commission, which stands guard over the interests of the people and their rights in order that the "spoilsmen," the representatives of the people, who are said to be the Members of Congress, elected by the people, the "spoilsmen" of the country, may not put their friends in office. I say, Mr. Chairman, that this Commission rated this official, who had never performed any service for the Government beyond three months, at fifty—granting him a bonus of fifty—in his marking in order that he might secure this appointment. This was because of a three-months' service.

He was recommended over everybody else, and as a matter of course, as says the Fourth Assistant Postmaster-General, he received the highest grade of anyone examined and was given a permanent appointment. When it was noised about that this was a peculiar case, one that the First Assistant Postmaster-General had inaugurated, one that the Civil Service Commission had winked at and had indorsed, when some one instigated an investigation, when President Roosevelt said no matter who was guilty he should be found out and prosecuted—and I certainly give him my approval for that and doubt not that he was honest in that statement, for whatever else may be said about him, I do not believe that he at least intends to cover up frauds in the Government service—when this investigation was about to be made, and inquiry was had how this Civil Service Commission, these watchdogs of the rights of the people and of applicants for office, had permitted this irregular and illegal transfer and appointment, what was the result?

The examination papers of this man who had been promoted into service over and against the rules can not be found, but conveniently disappeared from the files of the Civil Service Commission.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia have five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Georgia may have his time extended five minutes. Is there objection?

There was no objection.

Mr. BARTLETT. I thank the gentleman from Missouri. Now, I have here a rule of this Commission with reference to transfers and the appointment of men, something that stood in the way of this matter. I read from the report of the Civil Service Commission made on June 30, 1903, which is the latest one upon which I have been able to lay my hands, there being none later in the document room or anywhere else that I could find. Rule IV, with reference to classification of temporary employees and their transfers, reads as follows:

Such persons shall not be eligible for transfer to positions in the Departments at Washington, except after service of six months and under the conditions prescribed in civil-service Rule X, and upon a statement by the head of the Department requesting the transfer that the conditions of good administration demand the appointment of the person nominated, because of some special requirement of the place or qualifications of the person for the place which can not otherwise be reasonably met.

Here is a rule of this Commission under which was permitted the temporary employment when the man had not been employed for a day or an hour in the service. Here is a Civil Service Commission which permitted him to be transferred instant into the

Department of the Post-Office in charge of one of its great divisions. As suggested by the Fourth Assistant Postmaster-General in his report, he was appointed in order that he might aid those who desired to defraud the Government, or rather to have the Government pay extravagant prices for material to be furnished it.

I do not use my own language, but I use that of the Fourth Assistant Postmaster-General. So that, Mr. Chairman, to conclude the proposition upon which I started, and started solely to call to the attention of this House, I would say that if this is a sample of what the Civil Service Commission permits to be done in the administration of its office—and that it is a correct example does not depend upon my assertion, but is such an example as is stated to be taken from the proofs and the records of the Government, furnished by its officers—then it is time that we had a change.

I should like to ask whether this is an example of the way the Government is protected from spoilsmen? I doubt not there can be found many examples of like character of the evasion, the suspension, the violation of the civil-service law. If this is an example of the administration of the Government under the civil-service law, I think the people would welcome the day when the old system of "spoils" (if you choose to call it so) might return, when at the suggestion or on the recommendation of their Representatives in Congress they secured far abler, far more efficient service at the hands of the Government employees than they have received from those appointed and carried upon the rolls in the service of the Government under this pretended system of civil service. [Applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Chairman, I have no speech to deliver on this occasion. I did not think of saying anything at all on the pending amendment until this morning after calling at the office of the Civil Service Commission to see whether the gentleman from Mississippi or I was correct last night in our respective contentions as to how certain former officials of the Post-Office Department now under indictment were appointed. Nor did I intend last evening to inject politics into this discussion.

Mr. LIVINGSTON. Just one word, if the gentleman will permit me.

Mr. COOPER of Wisconsin. I can not yield except for a question.

Mr. LIVINGSTON. After the gentleman's question of yesterday I am quoted in the RECORD as saying that Mr. Machen came regularly through the civil service into his position. I have a letter from the Civil Service Commission and I desire to say that if the statement of the Civil Service Commission this morning is correct he was covered by the blanket order of the President and did not go through in the regular way.

Mr. LANDIS. I should like to ask the gentleman—

Mr. COOPER of Wisconsin. I have the data concerning this matter and will put it in the RECORD.

Mr. BARTLETT. The gentleman will remember that I had made no statement in reference to Mr. Machen being in office under the civil-service law, or anyone else.

Mr. COOPER of Wisconsin. If gentlemen will allow me to proceed, I think that there will be no trouble about anybody being misrepresented.

Last evening the gentleman from Iowa [Mr. HEPBURN] in one of his very forceful speeches inveighed powerfully against the principle of the civil-service law and especially against the manner of its enforcement. He, in effect, asserted that conditions under the old system were better than the conditions of to-day. That statement has just been reiterated by the gentleman from Georgia [Mr. BARTLETT]. Last evening the gentleman from Georgia declared that nothing could better show the truth of what the gentleman from Iowa [Mr. HEPBURN] had said than the report of the Fourth Assistant Postmaster-General, giving an account of the alleged frauds in the Post-Office Department.

What does that mean? The only conclusion to be drawn from this statement of the gentleman from Georgia was that the men in the Post-Office Department who have been charged with frauds were appointed under the civil-service law, which the gentleman from Iowa had condemned. There is no other interpretation to be put upon it. Thereupon I interrupted the gentleman from Georgia to ask him to tell who of the men charged with these frauds had been appointed under the civil-service law, but was myself interrupted before finishing my question. Both the reporter and the gentleman from Georgia misunderstood what I had in mind, and, in fact, what I did say.

But the gentleman from Mississippi understood what I asked, and he answered my question, as appears by the RECORD.

Mr. BARTLETT. I do not know whether they are guilty. I do not say they are guilty. Some of them are now being tried and their guilt will be determined by the courts. I say that the Fourth Assistant Postmaster-General—Mr. WILLIAMS of Mississippi. Oh, name Machen.

From this remark of the gentleman from Mississippi [Mr. WILLIAMS], the leader of the Democratic minority, it is perfectly

clear that he understood me to ask the gentleman from Georgia [Mr. BARTLETT] to name, not the men mentioned in the Bristow report who were "guilty," but which of them had been appointed under the civil-service law. And the gentleman from Mississippi suggested the name of Mr. Machen. He understood my question as I intended it and as it ought to appear in the RECORD.

Mr. BARTLETT. The gentleman says that the remark ought to be in the RECORD. I hope he does not mean to say that anything has been taken out of the RECORD.

Mr. COOPER of Wisconsin. Oh, no; the reporter misunderstood, as the gentleman from Georgia evidently does now. Then I said in reply to the gentleman from Mississippi:

Oh, Machen was a Democrat, not appointed under the civil service.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. COOPER] has expired.

Mr. COOPER of Wisconsin. I ask for ten minutes more.

Mr. BARTLETT. I ask that the gentleman's time be extended five minutes.

Mr. HULL. I ask that the extension be for ten minutes.

The CHAIRMAN. If there be no objection, the time of the gentleman from Wisconsin will be extended ten minutes.

There was no objection.

Mr. COOPER of Wisconsin. I said [reading]:

Oh, Machen was a Democrat, appointed—not under the civil service.

Mr. WILLIAMS of Mississippi. No, he was appointed under the civil service and kept there under the civil service.

Mr. COOPER of Wisconsin. He never went through under civil-service rules at all.

Mr. LIVINGSTON. Oh, yes, he did.

Now, I have here a complete, authentic statement as to how Mr. Machen was appointed. I say nothing as to his guilt or innocence. He went into the Post-Office Department as a Democrat, appointed three years before his particular position was put under the civil-service law. He was appointed Superintendent of Free Delivery, at \$3,000 per annum, in the office of the First Assistant Postmaster-General, August 22, 1893, without examination. This position passed from the excepted to the competitive class on May 6, 1896, three years after his appointment. He was promoted to General Superintendent of Free Delivery, at \$3,500 per annum, on April 29, 1901, to take effect July 1, 1901. He was removed from the service on May 27, 1903.

Mr. Beavers was appointed to the service in 1890, years before this position was placed under the civil-service law. Every one of the officials of the Post-Office Department now under indictment for peculations and frauds went in under the spoils system, excepting only one man, Mr. Louis, late superintendent of post-office supplies. Every one was appointed by the request of a politician.

And now I will answer the statement read by the gentleman from Georgia [Mr. BARTLETT] concerning Mr. Louis, the sole civil-service appointee now under indictment, and the manner of his appointment. This statement is from the report of the Fourth Assistant Postmaster-General, and somewhat criticises the Civil-Service Commission.

The late Mr. John R. Procter, former president of the Civil Service Commission, a Democrat, and a very superior public official, wrote an answer to this statement in the report of the Fourth Assistant Postmaster-General. By the way, I myself have nothing to say in criticism of Fourth Assistant Postmaster-General Bristow. In my judgment, he has successfully accomplished one of the most thoroughly difficult tasks undertaken by an executive officer of this Government in a century.

John R. Procter saw the report of the Fourth Assistant Postmaster-General, and he wrote a letter to the Postmaster-General in reply to the allegations in that report, to which the gentleman from Georgia has referred. This letter was dated on December 1, 1903, a little time before he died.

DECEMBER 1, 1903.

The honorable the POSTMASTER-GENERAL.

SIR: The Commission invites your attention to the following quotation from the abstract of the report of Fourth Assistant Postmaster-General Bristow on the investigation in the Post-Office Department which has been furnished the press:

And this is the quotation from Fourth Assistant Postmaster-General Bristow's report:

On April 17, 1897, Michael W. Louis, of Cincinnati, was appointed cashier in the Kansas City, Mo., post-office, and was detailed to the Department as acting superintendent of the supply division. The Civil Service Commission was asked to except the position from the classified service. This the Commission declined; but in July following it did give a special examination, allowing Louis a rating of 50 points for experience acquired during the three months he had been in charge of the division. As a result of this rating Louis passed a successful examination and was appointed.

General Bristow is a most excellent officer. I do not wonder that in the turmoil that has been around General Bristow, in the perfect whirlpool into which he has been plunged, he may have erred slightly in some minor details. But it does not touch his integrity, his honor as a man, or his patriotism as a public official that he has made a slight and unimportant error. It does,

however, reflect somewhat upon the accuracy of my eloquent friend from Georgia [Mr. BARTLETT], who has been so severe in denunciation of the Civil Service Commission, presided over by John R. Procter, that he did not stop to inquire into the facts and see whether Mr. Procter and the Commission had made a defense.

Mr. BARTLETT. Mr. Chairman—

Mr. COOPER of Wisconsin. I can not yield now.

Mr. BARTLETT. The gentleman is very courteous—very courteous.

The CHAIRMAN. The gentleman declines to yield.

Mr. COOPER of Wisconsin. This is what Mr. Procter said in reply:

In reply, you are advised that the statement that a special examination was given and that Louis was allowed a rating of 50 points for experience acquired during the three months he had been in charge of the division is misleading and incorrect. The facts in the case are these: A request was received from the Post-Office Department—

Not from a Member of this House, not from a Senator, but from an executive officer in the Post-Office Department—

Mr. BARTLETT. The First Assistant Postmaster-General.

Mr. COOPER of Wisconsin (reading):

that the position of superintendent of post-office supplies be excepted from examination, with a view to the appointment of Louis, special attention being called to his long experience and superior qualifications for the position. The Commission declined to except the position and announced an open competitive examination—

Mr. CHARLES B. LANDIS. And then they gave him 50 points.

Mr. COOPER of Wisconsin (reading):

An open competitive examination consisting of two subjects—first, experience and qualifications, and, secondly, practical questions. Each of these subjects was weighted 50 per cent, and competitors were rated according to the value of their experience and their knowledge of the practical questions. Louis was given no rating for experience in the position to which he was temporarily appointed, but was given a high rating for the evidence submitted by him showing his experience in various positions, covering a period of many years, as tending to qualify him for the position of superintendent of post-office supplies.

It appeared that he was employed for several years as foreman in a publishing house in Cincinnati and for several years in a supervisory capacity in the press room of the Government Printing Office. It was regarded that in each of these positions he was enabled in the discharge of his duties to acquire a knowledge of the quality of inks, paper, etc., which knowledge was considered essential in the discharge of the duties of the position of superintendent of post-office supplies. In answer to the practical questions Louis also showed a knowledge of the requirements of the position. There were fourteen competitors in the examination.

Not a special examination for the benefit of Louis alone, but an open examination in which participated fourteen competitors.

Louis received the highest rating, which rating was regarded as indicating his relative qualifications for the position.

As the report of the Fourth Assistant Postmaster-General has been given wide publicity, the Commission requests that the facts in regard to the examination and appointment of Louis be correctly stated.

By direction of the Commission:

(Signed)

JOHN R. PROCTER, President.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. I have not time to yield. The gentleman from Iowa said that conditions are worse to-day than they were before the law was enacted, worse than under the old spoils system. Let me read what James A. Garfield said in an article in the Atlantic Monthly in 1877.

Mr. GROSVENOR. I wish the gentleman would correct in the notes the statement of what "the gentleman from Ohio said." I have not said anything yet.

Mr. COOPER of Wisconsin. Iowa! But I do not think that I would have erred if I had said "the remarks the gentleman from Ohio is going to make." [Laughter.]

Mr. GROSVENOR. That is right.

Mr. COOPER of Wisconsin. Here is what Garfield said:

One-third of the working hours of Senators and Representatives is hardly sufficient to meet the demands made upon them in reference to appointments in office. * * *

The present system * * * impairs the efficiency of the legislators; * * * it degrades the civil service; * * * it repels from the service those high and manly qualities which are so necessary to a pure and efficient administration; and, finally, it debauches the public mind by holding up public office as the reward of mere party zeal.

To reform this service is one of the highest and most imperative duties of statesmanship.

In a speech on this floor Mr. Garfield said, on the 4th of March, 1870:

We press such appointments upon the Departments; we crowd the doors; we fill the corridors; Senators and Representatives throng the offices and bureaus until the public business is obstructed; the patience of officers is worn out, and sometimes, for fear of losing their places by our influence, they at last give way and appoint men, not because they are fit for their positions, but because we ask it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask that my time may be extended ten minutes.

Mr. HEPBURN. I would like to ask the gentleman what document he is reading from?

Mr. COOPER of Wisconsin. I am reading from a Senate report on the civil service, 1882.

Mr. HEPBURN. Yes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Garfield continues further:

There, Mr. Chairman, is, in my judgment, the true field for retrenchment and reform.

President Grant, speaking of the great evils in 1870 of the spoils system, says:

There is no duty which so much embarrasses the Executive and heads of Departments as that of appointment, nor is there any such thankless labor imposed on Senators and Representatives as that of finding places for constituents. The present system does not secure the best men, and often not even fit men, for the public places. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States.

I call the attention of the gentleman from Missouri [Mr. CLARK] to what Senator Vest said:

When I entered the Senate I became chairman of the Committee to Examine the Several Branches of the Civil Service, and for two years I was engaged with the rest of that committee in taking testimony upon the subject of civil-service reform. That very great evils exist there can be no sort of question—evils so monstrous, so deadly in their effects, that men of all political parties have come to the conclusion that some remedy must be applied.

That evils exist there can be no sort of question. Money has become the great factor in the politics of the United States.

Senator Bayard said:

No man obtained an office except he was a violent partisan, and the office was given to him as a reward for party services; and so things went on until the offices generally were filled under that system, which was false and dangerous in the extreme—a system which, as my friend from Ohio said, is absolutely fatal to the integrity of republican institutions, I care not what party or under what name it may be organized and carried on.

I regret that I have not time to read extracts which I have here from the report of a committee of which John C. Calhoun and Daniel Webster were members—two men who represented as much of intellectual power and unsullied patriotism as any legislative body ever knew. This great committee united in saying that unless the spoils system, which a few years before had been inaugurated, were destroyed, it would ultimately lead to the breaking down of republican institutions.

The present civil-service law, honestly administered, allows anybody, the hod carrier's son and the son of the millionaire, if they wish to enter the service of the Government, to go before the Commission on equal terms to be examined; and if upon the examination the hod carrier's son proves to be the better fitted of the two, the law declares him entitled to the appointment. And he ought to have it.

That is the civil-service law. It is based upon the principle that the office belongs to the people, not to the officeholder, and that the people are entitled to the best possible trained service of employees in the business departments of the Government, just as the stockholders of a corporation engaged in manufacturing are entitled to the best trained service of its employees. Now, it is not claimed that the law is always perfectly administered. The Civil Service Commission, on page 27 of their seventeenth annual report, says:

The Commission does not wish it understood by anything that has been said under this topic that there is an absence of irregularities and violation of the civil-service laws and rules—

We do not say that there is no burglary simply because we have a statute against burglary, but we do not propose to repeal the law because some men violate it—

or that the system is yet working with entire satisfaction, for such is far from being the case; but the foregoing is set out to indicate the steady and gratifying improvement in this direction.

I regret I have not time to elaborate upon this.

Rule 12, clause 2, says:

2. No person shall be removed from a competitive position except for such cause as will promote the efficiency of the public service, and for reasons given in writing, and the person whose removal is sought shall have notice and be furnished a copy thereof, and be allowed a reasonable time for personally answering the same in writing; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal. Copy of such reasons, notice, and answer, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for any change in rank or compensation, and the Commission shall upon request be furnished with copies or the originals thereof.

The reason is plain why these copies are required to be filed. It is in order that the head of an Executive Department or one of the bureau chiefs can not corruptly or unlawfully under any pretense put in practice the old spoils system. The record must be there to justify the removal. Now, the President of the United States has interpreted that clause. President Roosevelt says:

Whereas said misunderstandings have existed, etc. Now, for the purpose of preventing all such misunderstandings and improper constructions of said section, it is hereby declared that the term "just cause," as used in section 8 of civil-service rule 2, is intended to mean any cause, other than one merely political or religious, which will promote the efficiency of the service; and nothing contained in said rule shall be construed to require the examination of witnesses or any trial or hearing, except in the discretion of the officer making the removal.

That gives that discretion to the bureau chief which he ought to have, and no honest man in the enforcement of that law can ask for more. He ought not to be allowed upon the mere request of a Member of Congress to put out a faithful employee. The administration of the law to-day is not perfect, but as the Commission say, the law itself is a long step toward the doing away forever with the serious evils depicted by Grant, Garfield, Calhoun, Webster, and the other statesmen who during their great careers saw and denounced the spoils system in politics. [Applause.]

Mr. GROSVENOR. Mr. Chairman, if the advocates of this system of purveying the public patronage of the United States Government would treat gentlemen who are opposed to the present administration of the system with decent respect and give to their judgment the meed of being at least patriotic, we could discuss these questions in a better spirit than that manifested by the gentleman who has just taken his seat. To call the critics of the present administration of the civil-service law "spoilsmen" is an offensive and opprobrious epithet, unfair and unjust. I have just as good a right in my representative capacity to point out the defects of this system and ask for their improvement, as the gentleman has to go back ten years prior to the enactment of this law and read the rainbow encomiums of theorists upon a condition that has never been. I have no doubt that the gentleman from Wisconsin believes that he is better than we are.

Mr. COOPER of Wisconsin. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Wisconsin?

Mr. GROSVENOR. I do.

Mr. COOPER of Wisconsin. During the whole of my remarks I abstained absolutely from using the word "spoilsmen." I spoke of the spoils system.

Mr. GROSVENOR. The gentleman will find the statement in the notes, where he said that such an appointment was made upon the recommendation of spoilsmen. That was the language.

Mr. COOPER of Wisconsin. I have not used those words in any statement I have made.

Mr. GROSVENOR. I think the gentleman will find it there. I am glad to hear him say that he does not condemn everybody as a pirate who does not sail on the same ship that he does.

Mr. COOPER of Wisconsin. Mr. Chairman, I am assured by the gentleman who sits in front of me [Mr. PEARRE] that I did not use that expression. He says that I used the word "politicians."

Mr. GROSVENOR. And the gentleman from Iowa [Mr. HEPBURN], who sits near me, assures me that the gentleman used the word "spoilsmen." [Laughter.]

Mr. COOPER of Wisconsin. I did not.

Mr. GROSVENOR. Then we are all right on that branch of it. Now, let us see what happened in the matter of this system. The gentleman from Wisconsin has not been here during the entire career of this pure-in-heart system, this angelic system, that is just now being tested pretty fully in this Government.

A bill was introduced in the Senate of the United States by a Senator from Ohio, a Democrat, a man of high character, a man who would not debase the public service any more than Mr. Garfield would. He introduced the bill and confessed openly—I refer to the CONGRESSIONAL RECORD—that he did it in order to wrest some of the offices from the hands of the Republican party and put some few Democrats into office.

Mr. HOAR, of Massachusetts, in speaking of the bill, stated that he was in doubt about the propriety of the act, but he thought it might be a good plan to try the experiment. I do not use his exact language, but he said it was a tentative measure which could undoubtedly be made beneficial by amendment and perfection afterwards. That was twenty years ago. It was a new system, a novel system, a system that I am willing to say was suggested by some of the reasons given by General Garfield.

I do not deny that there was room for reform, a necessity for reform, and I will try to point out, if my time can be extended, how anxiously men upon this floor have sought to present their views of what would be a reformatory process, but they have always been denied. That tentative measure stands on the statute books to-day without the dotting of an "i" or the crossing of a "t" from the one that came from the Senate and was passed in the House twenty years ago. It was a new system absolutely, a complete revolution of the old system, and yet it stands there as the perfection of wisdom. To-day a man might just as well attempt to reform the Ten Commandments as to attempt to change a word in that law. If you were to rise here and move to strike out a word from the Ten Commandments or from Christ's Sermon on the Mount, you would not be denounced any more bitterly than you would if you dared to say that this was not the perfection of human wisdom in any respect. It stands par excellence with the Declaration of Independence and the great enactments to which I have referred.

Mr. CLARK. Inasmuch as anybody who suggests a change in

this system gets skinned anyway to the utmost limit, as the gentleman says, why does not somebody get a bill reported here repealing the whole thing, and then let us have fair and square debate on it? And we can not be skinned any worse anyhow. [Laughter.]

Mr. GROSVENOR. I will show the gentleman why you can not directly.

Mr. CLARK. I would like to know now, because that has been bothering my mind ever since I have been here.

Mr. GROSVENOR. I commend to the genius of the able gentleman from Missouri that he can immortalize himself if by any possibility he can get a bill before this House to amend, to alter, to enlarge, or in any other wise affect that old law—that perfection of human wisdom to which I have referred.

Mr. CLARK. Well, the gentleman is on the Committee on Rules, and I would ask him why he does not report such a bill? [Prolonged laughter.]

Mr. GROSVENOR. For twenty years bill after bill has been introduced in this House. I am told something like five hundred bills in all have been introduced. I do not know the number. Ever since I have been a Member of this House all kinds of bills have been introduced; bills to repeal the law; bills to enlarge the provisions of the law and make them more stringent; bills to confer the power upon this board that they have usurped from time to time.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for fifteen minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Ohio be extended fifteen minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. Bills of every possible form suggesting amendments, and even bills to enlarge the power, the prerogative of the soldier in holding office, have been introduced into this House, and now I state here that there has never been a bill reported back from the Committee on Reform in the Civil Service upon which there could have been engrafted an amendment affecting this law, either for its repeal or its improvement. So the Committee on Rules has no power to act, and the gentleman from Missouri [Mr. CLARK] fires a blank cartridge when he fires at me on that subject. Why have they sat upon that safety valve? Why has it been that for twenty years this committee has sat persistently on the safety valve and prevented a bill from coming in here? Because everybody knows, that knows anything about Congress, that by a majority of three to one, probably four to one, this Civil Service Commission would be stripped of a vast percentage of its power, and the experience of twenty years would be injected into this law, and a system—not a "spoils" system, but a system of intelligent administration of the departments of this Government would be the result. But the same cry is heard—denounce everybody as "spoilsmen," call them "corruptionists," lay at their door every irregularity that happens in the administration of the Government, and cry out against the right of the House to be heard.

In the Fifty-sixth Congress a meeting was held by 100 Members of this House, a round hundred Members on the Republican side of this House, and a bill setting forth our views upon the subject of civil service was introduced by the distinguished gentleman from Kentucky, now a judge of the United States courts. That bill was swallowed up in the vortex that has swallowed up all the attempted legislation for twenty years. That bill was not a bill for the benefit of the "spoilsmen." It was a bill fixing a tenure of office, providing for an examination of every applicant in the particular Department to which he sought admission, a competitive examination if it was desired, and then an appointment, first, as a temporary appointment, and afterwards as a permanent appointment for four years. That bill was not allowed to get into this House, for if it had come into this House it would have been passed by more than a two-thirds majority. You may say that there might be a possibility of wresting one of these measures from that committee by force of a motion. Whether that could be done or not I do not know. We have never yet, since I have been a Member of this House, resorted to any such process as that in a case like that.

Now, it is suggested that the men who are indicted are the result of the "spoils" system. There is a young gentleman languishing over here in the jail on the Eastern Branch who, it is said, passed a civil-service examination in this city and stood the highest—far the highest of those examined—and he is now in jail awaiting his trial for embezzlement; and it has been discovered that prior to his great achievement before the Civil Service Commission he had served a term either in a reformatory or a penitentiary for forgery.

But I do not care for that. There is no system of appointment that will preserve the public service from debauchery by bad

men; that is impossible. So the fact that one or more men now indicted or whoever else was appointed or not appointed under the civil-service law is not material. It is enough for me to know that the system itself is holding in office and preventing the removal from office of the men who are now charged with these crimes.

Why, sir, I remember when a gentleman came here from Kentucky—brought here by Mr. Carlisle—and it was not very long after he arrived until upward of 3,000 employees of the Departments were turned out because they were Republicans. That was in 1885, before the gentleman from Wisconsin understood what was going on here. And when they had cleared the decks and turned out three or four thousand officeholders, then this same gentleman drew an order of the President covering permanently and forever every one of those employees who had taken the place of the Republicans turned out; and that order has held them in office from that day to this. To-day they are still holding office.

More than one-fourth of the clerks in the Departments here in Washington to-day were brought here under circumstances of practically a similar character and were blanketed into office under the "merit" system and branded "merit," while the men who went out were branded "spoilsmen;" and this gentleman continued to purvey the patronage of this Government from that day until very recently.

We all understand that. The history of those times is not unfamiliar to us. And during that time effort after effort was made to amend this statute, utterly without effect. If these gentlemen will bring into this House any bill upon which an amendment will be germane to affect the conditions of this law, I will see to it that no tacking of such an amendment as this is attempted upon an appropriation bill.

But there is no reason why the Representatives of the people of this country may not have an opportunity to be heard upon their view of this question. We are just as much interested in the purity of this Government as is the Civil Service Commission itself—appointed under a system that to me smacks very strongly of the "spoils" system. I ask the gentleman from Wisconsin, What is the difference between a Representative of the people recommending a worthy young man of his district for appointment as a clerk or a messenger in one of the Departments and the President of the United States selecting a collector, or Civil Service Commissioner, or somebody else to be a purveyor of all these offices? One is the "spoils" system, if you please, upon a mighty small margin; the other has now become a "spoils" system that requires nearly \$30,000,000 to pay the salaries for a single year.

When this law went into effect the expenditures under this bill now pending here amounted to about \$20,000,000. To-day it amounts to nearly \$30,000,000, and we are told that the reason for that is that 16 per cent of this amount—that is the estimate given to me yesterday—is paid to men absolutely worthless to the public service, absolutely worthless. So that we have practically a civil pension. And the advocates of this civil-service system are already advocating such a pension. Whenever one of these great civil-service reform conventions meets, somebody during its progress will make a speech declaring that we must have a civil-pension list. You know, gentlemen, and I know that is what is coming. We have it by indirection now to the extent of 30 per cent added to the cost of running the Government in this city alone, and we shall have it as long as this system lasts.

It is not worth while to tell me that men can be turned out of office here without any trial and without any suggestion. The law that says to the people of the United States that A shall not be turned out of office except for cause—such a provision, taken in connection with a system that permits somebody to send the man out without any explanation, without any trial, without any hearing, is an outrage against the common judgment of mankind in the matter of decent administration of power. Far better would it be if they would stand by the original proposition that McKinley made—that a man should not be turned out of office without charges preferred against him and without having the opportunity to be heard.

The gentleman reads with a great deal of satisfaction an order from the President saying that the heads of these Departments, under a law that says the officeholders shall not be turned out except for cause, may say to such, "Take your traps and go." Then the public understands that he has been turned out for cause, and he has no opportunity to know what the cause is.

When did it happen that the destinies of this country were assailed by the lack of virtue in the representatives of the people? Are Congressmen so utterly unfit for the high duty of citizenship that they are not permitted even to suggest that in their town or in their county there lives John Smith, who has a good horse and a good wagon, and is a bright, intelligent young man, who knows all the roads on the route of the rural free delivery, and that it would be a good idea to give him employment for the benefit of his family and himself? Are we so corrupt that we dare not go

to this inspector when he comes around and even say to him, "There is a good fellow and capable man?" If you do it you violate the law, and if you do it I defy you to get an appointment made that you have thus O. K.'d. It has gone on step by step until an oligarchy is formed, nominally of three men, up to a very recent date consisting of one man, that simply makes the terms and conditions upon which men may be appointed to office.

Only a short time ago it was permissible, under this rural free-delivery carrier system, that the inspector might put into the paper that had the answers that were sent to the Civil Service Commission here an expression of opinion as to the intelligence, good looks, and cleanly habits of the applicant. That is now cut off. Why? So that there may be no man living who shall dictate anything connected with the office, or suggest anything, except this board of men here in the capital of the country. You have no capacity, you do not know when a man is fit to carry the mail 25 miles every day. You can not tell that. You are not capable of it, but there is a board sitting here who can detail a chief, and he can take a written examination and tell all about the man.

It is enough to say that the expenditures under this system have increased 30 per cent. It is enough to say that under this system the wrongs and outrages and irregularities and crimes that are charged to-day, if they did not originate under the civil-service administration, have been covered through the administration of that system up to date. [Applause.]

Mr. LACEY. Mr. Chairman, I believe the civil-service law has come, and come to stay. These attacks and attempts to repeal the law by cutting off supplies have been grimly characterized by one of the Civil Service Commission as "the annual joke of the House;" but, nevertheless, there ought to be some remedy. When an attempt is made to rectify, to modify, to modernize, and improve this law, those who make the effort are called "spoilsmen," and the law is spoken of as the "merit system." In other words, this one law is looked upon as specially sanctified, and one which can not and should not be improved. On the other hand, it is assailed as being a law that interferes with appointment to office through the representatives of the people, and one that ought to be swept away. The greatest defect of the present system is the difficulty in getting rid of the inefficient.

Mr. Chairman, in the last Congress I prepared a bill upon the theory that there ought to be every five years, or at some other stated period, a reexamination, and that the Departments should then have an opportunity to drop anyone they wanted to, with or without cause, making each employee eligible to reappointment by being examined in the line of the work that he was performing. Under this method each clerk would look forward to his stated turn of reexamination and reappointment.

Having introduced this bill, my mail was flooded with anonymous letters, with appeals from various persons, who seemed to feel that it was an attack upon some of their privileges, and that an examination of this kind would deprive them of office; and from the number of missives of that kind that came in my mail I became convinced that there were many who would undoubtedly be dropped at such periods. In case such a bill as that was passed, there would be no temptation upon the part of the officials in power to drop employees simply because of a wish to appoint somebody else, because those to be appointed must come through the civil-service channels, and they would not know who they would get to fill the vacant places, thus preventing dropping of names, except for the good of the service, and at the same time putting all the employees upon their merit and subject to frequent examinations. This would be an evolution from the present system, and would improve the service without any return to the old method, which was so severely condemned in its day.

The best civil service we have to-day in the Government of the United States is the Railway Mail Service. The postal clerks are examined repeatedly. They have to stand examinations very often, and the result has been that the service has been improved from time to time, and is constantly improving. The same method applied to the other branches of the Government, coupled with periodical times when the Government could relieve itself of the inefficient, would bring this system up to a real merit system. It is not repeal, but improvement in existing law that is needed. It is not a true "merit system" that we have now.

The service in general, Mr. Chairman, is good. There is no doubt about that. But it could be improved, and the fact that it is good has caused the officials in the Departments to tolerate its many faults for fear that in attempting to improve it they might get something worse. If we could have the aid of the Civil Service Commission along these lines it would be much better. But that Commission has usually assumed that whenever an amendment of the law was proposed it was evidence of hostility upon the part of the Congress.

The Commission should aid the Congress by the suggestion of amendments needed to improve the service.

Mr. RICHARDSON of Alabama. Mr. Chairman, I desire a few moments to express certain views upon a subject that has already been before the committee. I heard with much pleasure the remarks just made by the distinguished gentleman from Ohio [Mr. GROSVENOR], and I only regret that he did not go somewhat further in the views that he expressed on the subject of giving every man a fair trial and an honest hearing before impartial jurors of his country before he is condemned and pronounced guilty by anyone. I have been taught, Mr. Chairman, by the profession that I have followed and honor—like all other lawyers on this floor have been taught—that prejudice is like the breath of a human being upon a pure, unblurred pane of glass on a frosty morning; and, I think, of all men in this great Republic of ours that the high officers of our Government should see to it that in the administration of our laws the humblest as well as the highest citizen should have a fair, impartial, and unbiased trial before his peers—an unprejudiced jury. No influence or expression should come from one in authority calculated to do prejudice or harm to a citizen on trial for an alleged offense.

I have, Mr. Chairman, no apologies to make and no explanations to give as to any of the men who are alleged to have been guilty of the post-office frauds. They are each and every one entitled to a full and fair hearing before conviction. If guilty, then punish them; if innocent, free them. I was glad to hear the distinguished gentleman from Georgia [Mr. BARTLETT] say that they were entitled to a fair trial and ought to have it. Every man would agree with him. What I desire to call the attention of the committee specially to is a matter that which I do not think the American Congress ought to pass silently by without a protest. We ought not, Mr. Chairman, to allow a precedent to be made and passed in this country without an honest, impartial, dispassionate, nonpolitical protest which tends to obstruct and hinder a fair and just administration of the law. I refer, Mr. Chairman, to the "Memorandum of the President" of the United States and attached to Mr. Bristow's report. I dare say that no such memorandum from one so high in authority can be found and will ever occur again in the history of this great Republic of ours against citizens under indictment, charged with grave crimes, as that which I now read. It is this:

Memorandum upon the various papers submitted from the Department of Justice and the Post-Office Department concerning the investigation into the corrupt practices obtaining in the Post-Office Department, notably in the office of the First Assistant Postmaster-General and in the office of the Assistant Attorney-General for that Department. All the documents in the case are herewith forwarded to the Post-Office Department, and will be held ready for submission to the Congress whenever it may choose to ask for them.

The President of the United States ought to have simply returned the papers to the proper Department without comment, and there stopped. Certainly there can be no difference among us as to that opinion. He occupies the greatest office in the world to-day. Whenever the occupant of that office pronounces an opinion for or against a man it has a powerful weight and an influence that no man wants to confront on his trial. It matters not how guilty the parties may be, it was not becoming in the President of the United States to pronounce them guilty before trial. What does the President say about these men that were then under indictment—were awaiting a trial? It was indeed an extraordinary indiscretion and thoughtlessness, and a precedent that the conservative, law-abiding people of this country will not uphold.

I say distinctly that I am not here as the apologist for Machen or Tyner or anyone else charged with frauds in the Post-Office Department, but I am here, as you are, to see that the precedents of our country, made by the President of the United States, should conform to the law and not be unfair to any citizen. What does he say?

The investigation made by Mr. Bristow discloses a condition of gross corruption in the office of the First Assistant Postmaster-General and in that of the Assistant Attorney-General for the Post-Office Department.

I say, Mr. Chairman, that declaration by the President is a solemn declaration that these parties are guilty—guilty before a jury of their countrymen has pronounced them so.

Did you read the appeal that General Tyner made? I never saw him. I do not know him. I could not tell you to-day in what State he lives. But his appeal for a fair trial and justice against the denunciation of the President of the United States was one of the most powerful and pathetic appeals that I have ever read. He said that for forty-one years and more he had served his country in official positions without a blot or a stain on his character, and the struggle with him to-day is whether paralysis, which has afflicted his body, will carry him to the grave before he can have the opportunity he desires to establish and vindicate his honor and his integrity against the denunciation so publicly and recklessly made against him by the President of the United States. What a spectacle is here presented to the American people—an old man 78 years old praying that his life may be spared long enough to defend his name and transmit it untarnished to his family.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Alabama asks that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Alabama. I say, Mr. Chairman, we ought to be careful and never even as private citizens pronounce our fellow-man guilty of crime until so declared by a jury. The President was too strenuous, and so it is through this whole report, when he truly pronounces all of these men guilty. I say to you as lawyers, and many of you are, that we have been schooled and taught from our early manhood as lawyers to look upon this as a government of law; that the law applies to and governs the President of the United States as it does to the humblest citizen of this great Republic. And when a position of that kind is taken, I do not care who it comes from, it ought not to be passed silently by this House without some protest. I admit that a Democrat on this side of the House is more likely to enter that protest than a Republican on the other side, not because there are not many Republicans who are with me in the views here expressed, but we are all but human.

Now, Mr. Chairman. I am not here to discuss the civil-service allowance or appropriations. I leave that duty to other gentlemen. For myself I am perfectly willing to sustain any theory of any government that makes officers or offices more honest and honorable in our Government.

But one thing more about what the President has said in his "memorandum." "In all that is said," says the President, "by the report of Mr. Bristow I cordially concur." Mr. Bristow unconditionally pronounced these men guilty. Now, I am always for fair play. I believe a man ought to have a fair trial; absolutely fair. If there is anything in the world that I hate and despise it is a prejudice that gathers around a court-house when the whole people are aroused in their prejudices and passion, and it is then that the lawyer and the law should stand firmest and strongest. With this excitement that arises sometimes about public offices, how easy it is to appeal to popular prejudice and popular passion and ingratiate ourselves for political preferment by being active and strenuous, it would seem, in the denunciation of criminals. Ah, whenever that is resorted to by high officials of our Government in any way it is woe to our Republic and to just, fair, and unbiased trials before a jury. It is that that I propose to protest against, and nothing more than that, Mr. Chairman, and I hope I do so in an absolutely polite and courteous and respectful manner. I do not think that this unauthorized and unjust act on the part of the President should be allowed to pass without such a protest being made. [Applause.]

Mr. NORRIS. Mr. Chairman, it is with no little embarrassment and some hesitancy that I undertake to say a word or two in favor of the Civil Service Commission and the civil-service law. I have listened with a great deal of interest to the arguments that have been made by the eminent gentlemen on both sides of this House, and I confess that I am surprised and impressed greatly with the unanimity with which the leaders on both sides of the House concur in opposition to the civil-service law. I will admit that their ability, that their long experience here entitles their testimony to a great deal of weight and consideration, but nevertheless, Mr. Chairman, I am so thoroughly imbued with the idea of the righteousness of civil service and the Civil Service Commission that I am impelled to raise my voice, weak though it may be, in defense of that law.

To my mind it is not an argument against the Civil Service Commission and the civil-service law that there are those who are holding offices by virtue of that law who are dishonest or corrupt. I do not believe it is a good argument against the civil service that men who have been appointed under its provisions have been found dishonest and wanting and derelict in public duty. Mr. Chairman, I do not believe because it is an expensive piece of machinery that that alone should be sufficient why we should refuse to appropriate money under this bill for the continuance of the Commission in office. We have upon all the statute books, I presume, in our States a law against murder, and yet every day we hear and know of men who maliciously and unlawfully take human life. Will we, because the law is violated, clean our statutes of everything that may make murder a crime?

It has been charged eloquently by the gentleman from Georgia [Mr. BARTLETT] that the law has not been properly administered; that there have been acts done and performed by those in authority which are contrary to law and against good government and honest government. Mr. Chairman, I do not believe that is a valid objection to the law itself. I do not believe that that should be considered, except in so far as we might want to remedy the evils—if there are evils, and I believe there are—that exist. I am in favor of civil-service law, because it takes from partisan politics, and from all the evils that come from that, the appointments

to office. I believe that is the theory, and I am in favor of it for that reason, because it takes away a great many reasons why inefficient and incompetent men could get into office if it were not for that law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLET of Massachusetts. I ask that the time of the gentleman be extended for three minutes.

The CHAIRMAN. The gentleman from Massachusetts asks that the time of the gentleman from Nebraska be extended for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. NORRIS. I am in favor of the law not only for the good it does directly, but for the evil it prevents indirectly. Why, sir, you repeal this law and you put on the bargain counter of partisan politics the appointment of all the officers under the Government. In the limited time I have at my disposal I can not go into the question, though I should like to do so; but I want to say if these evils exist in the law it strikes me that the thing we should do is to remedy the defects by amending the law.

If there are those who are administering the law and are not doing it according to law, let us not repeal the law on that account, but compel those who are holding their positions to do their duty the same as we do in any other law. Let us consider it in a businesslike manner, upon a patriotic and open basis, above the range of all partisanship and politics of every kind. [Applause.]

Mr. HEPBURN. Mr. Chairman, I desire the repeal of the civil-service law for the protection, among other things, of the morals of Members of Congress. [Laughter.] I want to protect those gentlemen who at home are in favor of the repeal of this law and here are civil-service zealots; the fellows who are at home saying, "Ah, Bill, I would like to get you a place, and I would do it if it was not for this civil-service law." [Laughter.] Here they are purists.

I would like to know, Mr. Chairman, if there is not the same measure of corruption in a Member of Congress going to-day to the head of a Department and asking for the retention of one of those old and decrepid men who are utterly incapable of rendering a day's service to the Government in a year. I am advised that before one of the great committees of this House officers of the Government said that they could not get rid of the deadwood in their offices because of the importunities of Members of Congress. I wonder if they are civil-service reformers. [Laughter.]

Mr. Chairman, I want again to resent this idea that because I want the repeal of this law I am a spoilsman. I have never advocated or recommended the appointment of any man to office who was not, in my judgment, a worthy man. I do not do as the gentleman, if he is correct in his reading, who makes one of the eminent men of this country say that he did—urge the appointment of improper and impure men because of their persistent solicitation. And right here let me say that I am sorry that the gentleman from Wisconsin failed to make an argument himself in favor of this system. He contented himself with reading from the speeches of men who spoke six years before this system had its birth; who spoke of another and ideal system, possibly, for something in which there might be merit, and something that might entitle itself to his approval. He read from a report of a Senate committee, made a year before the enactment of this law, and made when they had nothing to discuss except the English system, one entirely different from our own.

Now, what were they—the English Parliament—trying to remedy? In the business of forty years ago, when this question was rife in the English Parliament, the evil complained of was that the younger sons of the nobility filled all of the civil offices, and that because of their station, because of their rank, and because of their power they were above the control of those who were charged with seeing to the proper conduct of the service. And they would neither work or permit others to do it, and it was to relieve that evil that the movement in favor of civil service began.

It was from examples of that kind and from literature of that kind that the gentlemen thirty years ago drew their imaginative pictures.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. WATSON. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Iowa be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. Mr. Chairman, in what I say here in this discussion, I desire to make no animadversion upon the gentlemen who are charged with the conduct of this business—the Civil Service Commission. I have no doubt they are gentlemen of integrity,

fully impressed with the value of the work they are engaged in, and doing the very best they can. I want to say further that I am not opposed to a proper civil service. I am opposed to that we have, because it is a fraud and a humbug, and because it does not do what it pretends to do. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman from Iowa yield to me for a question?

Mr. HEPBURN. Surely.

Mr. COOPER of Wisconsin. Did the gentleman from Iowa at the last session introduce a bill to amend this law?

Mr. HEPBURN. I did not.

Mr. COOPER of Wisconsin. Did he ever introduce such a bill?

Mr. HEPBURN. I have not.

Mr. COOPER of Wisconsin. Why did he not do it?

Mr. HEPBURN. Because there were bills pending that met my views, that were pending before the committee, and upon which we could not get reports. Simply because I knew that under the organization of that committee it would be impossible, under the rules of this House, to secure action, and the gentleman from Wisconsin knows it. Why does he ask me that question? He knows the fact. [Laughter and applause.]

Mr. COOPER of Wisconsin. Will the gentleman allow me to answer the question?

Mr. HEPBURN. Yes.

Mr. COOPER of Wisconsin. Does not the gentleman know that the rules were adopted at the opening of this session, upon the express statement of members of the Committee on Rules, that any bill which the majority of the House wanted to get before the House could be got before it, regardless of the rules? The gentleman from Pennsylvania [Mr. DALZELL], the gentleman from New York [Mr. PAYNE], and others have so declared, and the House by a majority sustained that action. If the gentleman wanted, he could have introduced a bill and got it before the House of his own volition.

Mr. HEPBURN. Well, do you believe that is true? [Laughter.] Why does the gentleman make that kind of an argument? It is like his argument on this bastard reform, and perhaps not any more sincere. [Laughter.]

Mr. Chairman, I have said that I was in favor of civil service, and I am. If I could introduce a bill that would go before the Committee on Reform in the Civil Service, and if I could compel the gentlemen to report it to the House, I would not care in what shape they might return it. The bill that I would introduce would have the following features: "That all clerks and other civil employees of the Government now selected through the aid of the Civil Service Commission shall hereafter be appointed by the head of the Department in which they are to serve; that such appointment shall be after the applicant has, through a careful examination, shown his fitness to discharge efficiently the duties of the position for which he applies, and shall be for the period of six months; that at the expiration of said term, if such appointee shows fitness, diligence, industry, intelligence, integrity, and the other necessary qualifications, he shall be appointed for a period of seven years, but shall at any time be subject to dismissal for causes other than political by the head of the Department, who shall be the sole judge of the sufficiency of the cause of dismissal and who shall certify in his letter of dismissal that the removal is not for political reasons; that such employee shall be eligible to reappointment."

Now, Mr. Chairman, I believe that that would be a civil service that would have value. I have heard gentlemen inveigh against the difficulties that they would be subjected to through the importunities of men who might want office. I would like to know from some such gentlemen who these men are that they now fear would disturb the equilibrium of their nerves because of their importunity for office. Are they the chairmen of your committees? Are they the men who are at the polls on election day? Are they the men that are your friends through the thick and thin of a political campaign? Are they the men to whom, morally at least, you owe something because of the position that you now occupy, while you are turning your backs on them? You speak for the integrity of Members of Congress. I speak for the integrity of Members of Congress who make pledges during the campaign and are deaf to them here in the House.

Mr. Chairman, I do not believe that there is corruption in the appointment of political friends to office. I believe that when the Republican party is in power every officer that can influence in any degree the efficiency of that Administration ought to be Republican. [Applause.] I believe that when the Democratic party is in power it should have the aid of its friends in all of the positions that may influence the efficiency, the respectability of the party [applause], and I think that the man who comes to Congress through a political contest is a dastard when he goes back on these implied obligations. [Applause.]

Mr. Chairman, I say all of this, and yet I am not a "spoilsman." That man is a spoilsman who will use his power for the purpose

of placing in office an improper and inefficient man, a dishonest man, and he may do that as a commissioner of the civil service just as well as he may through his influence as a Member of Congress. What does the Civil Service Commission know of the fitness of men for office that they from time to time certify in response to requisitions? All they can know is that measure of information that comes to them through the reports that are made from time to time by these commissions over the country. Gentlemen say that they want to maintain this system because Members of Congress can not be trusted.

Can these gentlemen, of whom you know nothing, who constitute these commissions all over the country, be trusted? I would rather risk the man who has something at stake; I would rather risk the man that has achieved distinction, that has done something, that has secured the approval of his people, than the man utterly unknown to me; and I would rather trust my brother Members here with this great responsibility, if you choose to call it such, than those that are utterly unknown. Still, suppose that you are to adopt the plan I suggest, it does not necessarily follow that the duty of selection or of aiding in selection would fall upon Members of Congress. Probably they would assist, but what one of you would dare to select a scalawag from among his neighbors who know him and put him here in an official position? Your people at home would have something to say about that. If you selected an unworthy man, if you gave him the benefit of your indorsement, you would hear from that in the next caucus or in the next election.

I am not afraid of results of that kind, nor am I afraid of the great opportunities for office. I undertake to say there is more of that now than there was when I first became a Member of this House. There is the same measure of importunity, but the difference is this—then you could aid in the selection of proper men, now you can not.

Why, Mr. Chairman, there is a wonderful difference between now and then. Here in my hand is the second report made by the Civil Service Commission. It covers 14,000 people. To-day under the civil service there are 125,000 officers of the United States. Can anybody suggest any advance in the direction of good that has resulted?

What man claims that the service of the United States in the clerical departments, in the city of Washington, for example, is better to-day than it was twenty-two years ago? No man dares to say it. It is not the truth; and the older men who have been here and are familiar with both periods will tell you so. Look at the expenditure. See how the expense has increased. See how the number of clerks has multiplied. See how, with all that multiplication, the condition of the public business requires that there should be one-half hour additional time added to the hours of labor heretofore given. That means something. What does it mean? It means that in all this increase of numbers the business is lagging; the business is behind; and this half hour must be added to the other thirteen half hours that the clerks work. Is this because there has been such a wonderful growth in the aggregate of business, or is it because there is not as much labor per capita performed by each one of the clerks now as of old? What is probable?

What better spur is there to diligence and zeal and industry than the fear that a lucrative position may be lost? Why are you gentlemen diligent in the performance of your duty, solicitous about the will of your constituents, more than are others that I might name? The reason is, because each two years you must render an account of your stewardship. Every two years your constituents have the power to deny you a further lease of political power if your conduct has not suited them. You are diligent. So will the man be who sees before him every day of his life the possible termination of his relation to his office, rather than the man who knows that through these civil-service intricacies he is so hedged about that his removal is practically an impossibility.

I remember once a prominent officer of this Government in this city telling me that in the Bureau of the Sixth Auditor he had 470 clerks. "Fifty of them," he said, "can not reach their desks when the elevator is out of repair; and if I could be permitted to make selections I would undertake to perform all the duties of that great Bureau with 200 clerks."

Mr. GILLET of Massachusetts. Will the gentleman allow me a question?

Mr. HEPBURN. Yes, sir.

Mr. GILLET of Massachusetts. Why could he not make such a selection under the present law?

Mr. HEPBURN. You know why as well as I.

Mr. GILLET of Massachusetts. I know that he could.

Mr. HEPBURN. I undertake to say that it would be an utter impossibility for him to do it.

Mr. GILLET of Massachusetts. May I ask why?

Mr. HEPBURN. Simply because he has not the power; simply

because, while the law may give it to him, the gentleman knows that practically it can not be done. The gentleman knows that through the union of clerks they sustain one another, and that under the system as we have it now charges, unless of the grossest character, can not be sustained.

Mr. Chairman, my colleague [Mr. LACEY] has said that this motion is the joke of the season. He is right. The fact is, he is nearly always right. It is only by a mistake when he fails to be right. [Laughter.]

Mr. LACEY. The gentleman misunderstood me. I said that the Civil Service Commissioners had characterized this as a "joke." I was quoting from them.

Mr. HEPBURN. I thought I had better put the remark on the gentleman than on the Commission. I did not think that any commission created by this House would have the impudence to so characterize the deliberate action of this House, especially when it bore upon themselves, and while I did hear my friend say that the Commission so said, I thought possibly he was mistaken and that it was better that I should put it upon him than to charge the indecency upon the Commission. [Laughter.]

Mr. Chairman, I know that in a sense this is a joke. I know that probably no direct result will come in keeping from these worthy Commissioners their pay. We will pay them. But there is this in it: This is the only opportunity that we have to express ourselves upon this proposition. And I think that it will result in the creation of such a sentiment as may penetrate even as far as Massachusetts, and may have some influence upon those purists of Boston who trammel us in this way, and who are standing, as I think, in the way of progress and in the way of good government. [Applause.]

Mr. GILLET of Massachusetts. Mr. Chairman, I am somewhat encouraged by the debate this morning. I am glad to hear the gentleman from Iowa [Mr. HEPBURN] say that he believes in a proper civil service. That, I believe, was his limitation. I always thought the gentleman could not really prefer the other alternative.

Mr. HEPBURN. Will the gentleman permit me a moment?

Mr. GILLET of Massachusetts. Why, of course.

Mr. HEPBURN. Simply to suggest to you that in two preceding Congresses I submitted substantially the same views.

Mr. GILLET of Massachusetts. If the gentlemen did, they were so beclouded by other remarks that the other sentiment remained in my mind, and not that.

The gentleman from Ohio [Mr. GROSVENOR] began his remarks by saying he hoped this matter would be discussed in a temperate manner. If I recollect in the past, in the little circle where he sits, the temperature has been rather high when this subject has been up; but I will acknowledge that to my surprise the gentleman from Ohio heeded his own admonition, and I shall try to do the same. I think the matter ought to be discussed temperately. I was quite edified yesterday to hear those two veterans of the House, the gentleman from Pennsylvania and the gentleman from Iowa, both of whom we all so much admire, exchanging regrets with each other because they originally voted for this law, and looking back apparently with fond regrets to the old halcyon days when there was no civil service.

I could but think how happy it would be for them if there was none to-day. With their long service and ability and influence, what is there in the way of offices which they could not to-day expect? There is no doubt about it, the passage of that law took the bread out of our mouths. I do not profess to have any less fondness for bread than anyone else, and naturally Members of Congress can not help feeling some personal regret, perhaps, that we no longer have that patronage which they had in the days the gentleman spoke of. I confess I thought possibly their opinions were tempered a little by that peculiarity of human nature which is said always to make us, as we grow older, look back upon the days of our youth as the happy days and the present as degenerate. I really think if the gentlemen's sober judgment could impartially be applied to it, they would admit that the civil service to-day is vastly better than it was before this law.

For myself, I long ago came to the conclusion that there was one principle which I believed in and which I should stand by, no matter what others did, and that was the principle that the merit system is better than the old patronage system. I believe that the people generally have come to believe that. I believe that the people generally would rather trust almost any impartial test to decide what clerks shall be selected than to leave it to the Congressmen to appoint their friends. The men who want office, who are our personal friends, who, perhaps, may make more noise than others and directly influence us, may not feel so; but the sober, reflective, fireside opinion of the United States, in my judgment, believes in that system, and would bring defeat upon any party which should overthrow it. It was originally passed under the lash of public opinion and I think that opinion is now far more decided in its favor.

Mr. GROSVENOR. Mr. Chairman, will the gentleman allow me?

The CHAIRMAN. Does the gentleman yield?

Mr. GILLET of Massachusetts. Certainly.

Mr. GROSVENOR. Does the gentleman know any Member of Congress who advocates the appointment of men to office upon the recommendation of Members?

Mr. GILLET of Massachusetts. The repeal of this law means that.

Mr. GROSVENOR. May not this law be repealed by the substitution of a better plan?

Mr. GILLET of Massachusetts. Possibly. I am very glad that the gentleman does not favor the repeal of this law.

Mr. GROSVENOR. I do not. I never did; but I am only wanting to get rid of a great central power in a free government that purveys the offices of the Government just exactly as an arbitrary power in an ancient serfdom does in that kind of a country.

Mr. GILLET of Massachusetts. I am glad the gentleman feels so, and I am very glad if the Members of this House generally want some sort of merit system. I for one do not pretend that the present service is perfect. The gentleman criticises the Committee on Reform in the Civil Service by saying that for the last twenty years it has never allowed any amendment to get into the House. But does the gentleman consider why that is? The reason why that committee has been the defender of the civil service, in my opinion, is because the Speakers of this House for at least twenty years, no matter to what party they belonged, and both parties have been in power, no matter what their individual opinions might be on this question of the civil service, but acting as great party leaders, as Speakers ought to act—for that is his greatest function—every Speaker has seen to it that that committee was framed to defend and not to overthrow the civil service law. It seems that the Speaker of the House, with a sense of responsibility for his party, has always believed that it should not be overthrown.

Mr. HEPBURN. Will the gentleman permit me an inquiry? I am not sure whether I understood him. Do I understand the gentleman to say that in order to maintain this law it has been necessary for the Speakers of this House to pack the committee against it?

Mr. GILLET of Massachusetts. Why, the Speaker of this House has, I imagine, in one sense, always packed his committees.

Mr. HEPBURN. Against his political friends?

Mr. GILLET of Massachusetts. Packed them with his friends for a certain policy.

Mr. HEPBURN. Oh! Then you mean to say, in other words, that this committee has been packed, and that it has been necessary in order to maintain this unwholesome law.

Mr. GILLET of Massachusetts. It is not necessary to use unpleasant verbs or adjectives, or to say that they packed it in an offensive sense, or for political advantage; but when the Speaker has made up the committee he always saw that it was friendly to the civil-service law. If you call that "packing" it, I think they have packed it. I do not think, however, that is a pleasant verb to apply to the Speakers' positions. I think they have done so for the best interests of the country and their party. If the gentleman considers that packing the committee, it has been done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLET of Massachusetts. I would like five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLET of Massachusetts. Now, just a word as to the gentleman's claim that the old service is better than the new. This is the only place I think of where the old system is in force—this Capitol, in this House and at the other end of the Capitol. There is no civil service here. What is the result? Our present Speaker told us two or three Congresses ago that we had from a half to a third more employees than was necessary, and why? Simply because each Member insisted that he should have somebody on the force: not because it is needed, but because they want the patronage. Under this service the superintendent of an employee can not discharge him or properly control him, because a criticism of him would not only apply to him, but to the Member who had appointed him.

Mr. LIVINGSTON. The gentleman leaves an impression that there was no place where there was not civil service in any of the Departments. I remind the gentleman of the Congressional Library and the District buildings. I would like you to compare the efficiency there with any other bureau of the Departments of the Government.

Mr. GILLET of Massachusetts. Why, Mr. Chairman, the Library is not under the civil-service law. We all know, and the gentleman as well as anybody, that the Librarian acts upon the civil-service principles in refusing to recognize it as a patronage bureau.

If all the bureaus in all of the Departments were not protected by the civil service, we all know that the heads of Departments would be influenced by us and that we would be influenced by them.

If it were not for the fact that the civil-service system exists, if we should go to the Departments and ask an appointment and at the same time they wanted some legislation of us, does not that unfairly affect both them and us? Would not they, by appointing the man we wanted, put us in the position that when they wanted some resolution or law we would be influenced by them, and they would be influenced in their appointments by us? That, I think, would be a great detriment to the public service, and preventing that is one of the great advantages of the present system.

I want to say now that at the first meeting of the committee this year the subject was taken up, and it was determined that we should have an investigation of the whole subject of superannuation, and I hope that the committee may report some bill. I certainly think we will if we can agree upon it. I shall not be one opposed to its coming before this House.

I am perfectly willing that it may come before this House. I do not believe that the House would now annihilate the service, although I very much fear that the House could not agree upon anything that would improve it, but, rather, that any legislation would be a detriment to it. But this amendment which is suggested now is not action that the House ought to take. The gentleman who makes the motion to strike out the appropriation allows that it does not accomplish anything. The members of the Commission can get their salaries, but I think it is a little unkind just as three new Commissioners are entering office to greet them with such action on the part of this House, which is simply a kick at the Commission and does not accomplish anything. I think the proper thing to do is, as the House can do if it really wishes, to bring up a resolution. I hope myself some proposition will come from the Committee, although I make no pledges.

The only point where I think amendment is needed is in the superannuation. The gentleman says the officers have not the power now to dismiss incompetent clerks. They have, in my opinion, ample power. Under the present law any officer can discharge any person, and he ought to do it if the clerk is incompetent, and the trouble is not in the law, but in the Department officers. Who they do not do it I do not know. I suspect there are three reasons—first, the natural sympathy they have for the old men, who probably tell them, and very likely truthfully, that they have nothing to live on, and they hate to put them out in the cold world and be responsible for it. I think another reason is that a great many are old soldiers, and that still further intensifies the unwillingness, and thirdly, there are cases where Members of this and the other House go and protest against their dismissal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEMENWAY. I may ask that the gentleman may have further time if he so desires.

Mr. GILLETT of Massachusetts. I do not care for further time.

Mr. BINGHAM. Mr. Chairman, I simply desire to state to the House that I feel that there has been a fair discussion upon this paragraph in the bill, and after the gentleman has the minutes he desires I shall ask the regular order, a vote on the proposition of the gentleman from Iowa.

Mr. ROBINSON of Indiana. I hope the gentleman will yield about three minutes to me to put three questions to the chairman of the Committee on Reform in the Civil Service.

Mr. POUL. Mr. Chairman, the spoils system may be bad, but with respect to the Departments here in Washington I do not believe that any system can be much worse than the one now in force. We are told that there are some 27,000 employees in Washington. They soon become practically professional officeholders. Washington is getting to be an educational center of vast importance. There are great universities and colleges here, and there are thousands of young men and women all over the country who would be glad of an opportunity to come here, hold a Government position for a while, and have the benefit of these institutions of learning, and I believe that the solution of this whole question is involved in an amendment to the present law providing for a term of office as to the employees who hold office in Washington. I know of no reason why a person who holds a clerical position here might not hold that position for a term of years as a Member of Congress does.

There are thousands of young men all over this country who would be proud of the opportunity to come here and hold one of these positions, say, for three or four or five years. The advantage of that, Mr. Chairman, would be that at the end of the term of office the person holding the position would then retire to the ranks of private life and be of service to his community; but while a person holds a position for life he generally soon becomes unfitted for any other position, and I believe the Government would get better service if the employee knew he would hold the place for a term of years only. We will soon be confronted

with the proposition to pension the officials who become incapacitated to work, and it seems to me that the distinguished chairman of the Civil Service Committee could well devote his energies and utilize his large knowledge with respect to this question in the preparation of a bill carrying out the suggestions which I am making.

I believe, with respect to the offices outside of the city of Washington, that the old policy is the best—that is, to put the entire responsibility upon the party in power. When the Republicans are in power let them have the places and let them shoulder the entire responsibility of government. And when the Democrats come into power next year we will do likewise. A Member of Congress has to fight for his seat every two years. The position he holds is certainly as important as that of the employee in the various Departments here. What possible objection can there be to this change? Let the applicant stand an examination, as he does now, but let him understand that at the expiration of his term of office he must stand his chance for reappointment just as if he had never held a place under the Government.

Under the present system it is almost useless for a young man or woman to apply for a position here. All the places are filled, and filled for life almost. The only vacancies are those caused by death.

I submit it is against the spirit of our institutions to confer appointment and power for life upon a preferred list of persons to the exclusion of everybody else. Washington is a beautiful city. It is an education to anyone to live here. The very opportunity of living here for a while would be an incentive to endeavor to boys and girls in every State in the Union, but, under this Republican law, to them the door of hope is closed.

This proposed change in the law could easily be surrounded with safeguards which would guarantee the very best service to the Government. For instance, persons required to do technical or expert work might be exempted from the provisions of this amendment.

One thing is very certain. The present law is not giving satisfaction, and recent developments in the Post-Office Department indicate that the present law does not guarantee either efficiency or honesty in the administration here. [Applause.]

Mr. ROBINSON of Indiana. Mr. Chairman, if I can have the attention of the gentleman from Massachusetts [Mr. GILLETT], chairman of the Committee on Reform in the Civil Service, I would like to ask him a question. He spoke of the sentiment throughout the country in favor of the civil-service or merit system. I want to ask him if he does not think that the confidence of the people is becoming shaken in that system by reason of the arrears of work in the Executive Departments in Washington, by reason of the constant pressure of the clerks for a civil-pension list, and by reason of their protest against the enforcement of the law requiring seven hours of service from them?

Mr. GILLETT of Massachusetts. Mr. Chairman, it never occurred to me that there was any feeling in the country against the clerks because of the civil-service system.

Mr. ROBINSON of Indiana. No; I said sentiment in the country against the civil-service system caused by the action of the clerks here in the Executive Departments. Is not that confidence being shaken?

Mr. GILLETT of Massachusetts. As I understand it, the gentleman asks me if the confidence of the public is not shaken by the fact that the clerks are eager to get a civil-pension list?

Mr. ROBINSON of Indiana. That is one proposition.

Mr. GILLETT of Massachusetts. No, I do not. I do not think the country has seen any sign that such a proposition will be successful.

Mr. ROBINSON of Indiana. As to the arrears of the Departments in work, and the constant request by the Departments for more clerks and appropriations in order to get proper service?

Mr. GILLETT of Massachusetts. I do not suppose that that fact is very well known throughout the country.

Mr. ROBINSON of Indiana. How as to the protest of the employees against working seven hours a day, as by law required?

Mr. GILLETT of Massachusetts. I never heard that there was any rebellion against it.

Mr. ROBINSON of Indiana. Not until within a few days, but the gentleman has read the papers and knows what is in the papers.

Mr. GILLETT of Massachusetts. Yes, unfortunately for myself, I do.

Mr. ROBINSON of Indiana. Now, as to the suggestion of the gentleman in relation to the employees incapacitated from performing the service required. This bill provides that the employees who are disabled from the performance of service shall receive none of the appropriations made by this bill. Will not that correct radically any evil in the system in reference to employees unable to perform the services required?

Mr. GILLETT of Massachusetts. Mr. Chairman, it ought to

correct the whole evil. As I said to the gentleman from Iowa [Mr. HEPBURN], it is in the power of the Department to-day to correct this evil which, I think, is a crying one. The trouble is the heads of the Departments will not enforce the law. Similar provision was put in the appropriation bill three or four years ago, commanding the heads of Departments to discharge all incompetent clerks, and yet the heads of the Departments came before the committee and admitted that they did not discharge them. They will not discharge them. The trouble is not in the law, but in the enforcement of the law.

Mr. HEPBURN. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. HEPBURN. Would the gentleman from Massachusetts himself, under the same circumstances, discharge these old and helpless men?

Mr. GILLETT of Massachusetts. I am not in a position now to decide that. [Laughter.]

Mr. HEPBURN. Of course he would not. You can not remedy this law in this way, because, thank God, you have to use human agency. You have to have men, and they will not do it.

Mr. GILLETT of Massachusetts. How would the gentleman from Iowa get rid of the supernannuated clerks?

Mr. HEPBURN. I would limit the term of office so that the passage of time would do what men will not do.

Mr. GILLETT of Massachusetts. That is a suggestion often made; the trouble is that it comes back to the same point. The suggestion that he makes is that at the end of a certain number of years they shall go out, but may be reappointed by the appointing power. Is it not probable that the same appointing power which to-day refuses to obey the law to discharge them when they ought to will perfunctorily reappoint them and simply sign a list and keep them right there? I do not see why it is any more difficult for the head of a Department to discharge a supernannuated clerk than it is for him to refuse to reappoint him.

Mr. SCUDDER. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question.

Mr. GILLETT of Massachusetts. Certainly.

Mr. SCUDDER. I would like to ask the gentleman what would be the objection to an age limit?

Mr. GILLETT of Massachusetts. I will say to the gentleman from New York that I have introduced a bill for a number of Congresses for an age limit. I am in favor of that measure.

Mr. BARTLETT. Mr. Chairman, during the discussion of this question, the gentleman from Wisconsin [Mr. COOPER], proceeding on an extension of time granted at my request, was so inconsiderate of my request that he would not permit me to interrupt him when he stated that I had vehemently attacked not only the system of the civil-service law, but a Commissioner who was dead.

Now, Mr. Chairman, I did not know where the gentleman from Wisconsin [Mr. COOPER] procured the letter he read purporting to be a letter from former Commissioner Procter. He did not state where he got the letter. I had never seen it before or heard of it. I have never seen it in the records of the investigations had and transmitted to the House by the Postmaster-General. But, Mr. Chairman, I do find this in this report here in regard to this transaction: The Fourth Assistant Postmaster-General, upon the twenty-fourth page of this communication, after detailing the many and various violations of law and misconduct by this appointee, Louis, says in conclusion:

From the foregoing it appears that the appointment of M. W. Louis as cashier of the Kansas City post-office, when it was not intended that he should perform any service whatever in that office, was irregular, and that his assignment as acting superintendent of the division of supplies while carried on the rolls and paid as an employee of the Kansas City post-office was unlawful—

and recommends that he be summarily removed from office. And Louis was removed October 21, 1903, after having been in office under this illegal and unlawful appointment for six years and more.

In the memorandum submitted to us by the President with this document when it was transmitted to us, I find that Messrs. Bonaparte and Conrad, special counsel retained by the President to aid in the prosecution of the violators of the law in these matters, speaking of the Bristow report, say:

We heartily commend the report and deem its conclusions fully justified by the facts it sets forth; and while regretting in common with all patriotic citizens that the grave abuses of long standing which it reveals should have grown up in the Post-Office Department, we consider the exposure of these abuses and the attempts made to punish those responsible for them a work of the highest public utility, quickly and ably performed.

Following that, here is what the President himself has said:

In all that is thus said of the report of Mr. Bristow I cordially agree.

Yet the gentleman from Wisconsin [Mr. COOPER], so far forgetful both of the courtesies due from one Member of this House

to another and of the truth of the facts, stated that I had assaulted and slandered the Commission, one of whom was dead.

If a slander has been made, if something that is not true has been promulgated to the public and solemnly communicated to this House by the President with his indorsement—not only that, but with his "cordial" indorsement—I say if a slander has been spoken, then the President of the United States and the officials of the Government selected by him to make this investigation and report, and not myself, have assaulted and slandered the Commission. The facts upon which I have based my statements made here are in the records and archives of this Government, and whether true or false they will remain there. If they are not the truth, the President and his officials are responsible for it, not I.

Mr. BINGHAM. Mr. Chairman, I move that all debate on the paragraph and pending amendment be closed.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania.

The question was taken, and the motion agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Iowa, which the Clerk will report.

The Clerk read as follows:

On page 33 strike out all of the paragraph beginning with line 5, "Civil Service Commission," down to and including line 20.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. GILLETT of Massachusetts) the Chair announced that there were 75 voting in the affirmative and 56 in the negative.

Mr. LACEY. Mr. Chairman, I ask for tellers.

Tellers were ordered.

Mr. HEPBURN and Mr. GILLETT of Massachusetts were appointed tellers.

The question was again taken; and the tellers reported 78 in the affirmative and 65 in the negative.

So the amendment was agreed to.

Mr. BINGHAM. Mr. Chairman, I desire to give notice that when this paragraph comes before the House in the consideration of the bill that with reference to the paragraph I shall demand the yeas and nays.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania or any Member of the House has the right to demand the yeas and nays on this amendment in the House. The Clerk will read.

The Clerk read as follows:

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, \$8,500.

Mr. HEPBURN. Mr. Chairman, it is entirely proper to move at this point that this paragraph should be struck out. I therefore move to strike out the paragraph beginning with line 21 and ending with line 25.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Treasury, \$8,000; three Assistant Secretaries of the Treasury, at \$4,500 each; clerk to the Secretary, \$2,500; stenographer, \$1,800; three private secretaries, one to each Assistant Secretary, at \$1,800 each; Government actuary, under control of the Treasury, \$2,250; one clerk of class 4, who shall be a physician; one clerk of class 2; two clerks of class 1; one clerk, \$1,000; four messengers; three assistant messengers; and one laborer; in all, \$46,230.

Mr. RUSSELL. I observe that in line 4, on page 36, provision is made for "one clerk of class 4, who shall be a physician." I should like to know something about the reason for this provision.

Mr. BINGHAM. This is a new employment in connection with the subordinate force.

It has been the experience of the Department as well as of great Government offices like the post-office in our cities, where there is a large subordinate force entitled to a qualified sick leave, that there should be some supervision, because it has been found very many persons can without difficulty secure a physician's certificate setting forth incapacity for work, when upon investigation it is found that the clerk or subordinate is qualified and physically fit to report for duty.

This provision has been made in the interest of economy and expedition of work, for the reason that clerks, upon the approval of their chief, are entitled to their thirty days' sick leave, and it has been found that very many try to avail themselves of this provision improperly, perhaps at times when their services are most necessary to the work of the Department, and thus practically get thirty days' leave of absence to which they are not entitled.

The Clerk read as follows:

Office of chief clerk and superintendent: For chief clerk, including \$300 as superintendent of Treasury building, \$3,000; assistant superintendent of Treasury building, \$2,500; inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department,

\$2,000; assistant inspector of electric-light plants and draftsman, \$1,000; five clerks of class 4; additional to one clerk of class 4, as bookkeeper, \$100; three clerks of class 3; three clerks of class 1; four clerks of class 1 (one as librarian); one clerk, \$1,000; one messenger; two assistant messengers; storekeeper, \$1,200; telegraph operator, \$1,200; telephone operator and assistant telegraph operator, \$1,200; chief engineer, \$1,400; three assistant engineers, at \$1,000 each; six elevator conductors, at \$720 each; three firemen; five firemen, at \$600 each; coal passer, \$500; locksmith and electrician, \$1,400; captain of the watch, \$1,400; two lieutenants of the watch, at \$900 each; fifty-eight watchmen; six special watchmen, at \$720 each; foreman of laborers, \$1,000; skilled laborer, male, \$840; wireman, \$900; two skilled laborers, male, at \$720 each; twenty-six laborers; ten laborers, at \$500 each; laborer, \$480; two laborers, at \$360 each; eighty-seven charwomen; foreman of cabinet shop, \$1,500; draftsman, \$1,200; ten cabinetmakers, at \$1,000 each; cabinetmaker, \$720; carpenter, \$1,000; carpenter's helper, \$660. For the Winder Building: Engineer, \$1,000; three firemen; conductor of elevator, \$720; four watchmen; three laborers, one of whom, when necessary, shall assist and relieve the conductor of the elevator; laborer, \$480; and six charwomen. For the Cox Building, 1709 New York avenue: Three watchmen-firemen, at \$720 each; and one laborer; in all, \$181,221.

Mr. OLMSTED. I move to amend by striking out the last word. I wish to ask my distinguished colleague [Mr. BINGHAM] a question. In his able and comprehensive report I find enumerated on page 3 among the increased officers "one wireman," and that is provided for in the paragraph just read. Now, as we have already provided for electrical wiremen and telephone operators and telegraph operators, I merely want to ask what particular wires this wireman is to operate or pull? [Laughter.]

Mr. BINGHAM. He is simply an assistant to the electrician—found necessary by the experience in connection with that very large building, the Treasury Department. It was the judgment of the committee that the appointment of this officer would facilitate good administration of the physical conditions of the Department. That is the governing reason.

Mr. GROSVENOR. I understand this is an appointee of a "spoilsman," to pull the wires. [Laughter.]

Mr. BINGHAM. The gentleman may know more about that than I do.

Mr. OLMSTED. I bow to the wisdom of my colleague as evinced in the statement he has just made, and withdraw the pro forma amendment.

The Clerk read as follows:

Office of Auditor for Navy Department: For Auditor, \$4,000; Deputy Auditor, \$2,500; law clerk, \$2,000; three chiefs of division, at \$2,000 each; nine clerks of class 4; seventeen clerks of class 3; thirteen clerks of class 2; sixteen clerks of class 1; twelve clerks, at \$1,000 each; eight clerks, at \$900 each; one clerk, \$800; one messenger; one assistant messenger, and two laborers; in all, \$118,180.

Mr. LIND. I offer the amendment which I send to the desk. The Clerk read as follows:

Amend by adding at the end of line 25 on page 44 the following:

"The accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of the disbursing officers of the Navy involved, credit for amounts paid to enlisted men of the Navy, at \$9 per month each, in lieu of quarters and rations while on recruiting duty."

Mr. BINGHAM. I reserve a point of order on the amendment.

Mr. LIND. Mr. Chairman, I will briefly state the facts that prompt me to offer this amendment, which I will say has been suggested by Secretary Moody, of the Navy Department.

On November 5, 1901, a young man by the name of Harley, who is in the service of the Navy—an enlisted man—was detailed for recruiting duty at Buffalo, N. Y., with others. There are about twenty-five enlisted men in the same position that he is. In the order detailing him for the service and under which he was sent to Buffalo the Navy Department directed that the detailed men should be allowed the usual commutation of rations, \$9 a month.

That being apparently insufficient for maintenance at Buffalo, the officer directing the detail added another clause—that in addition to the ordinary allowance of \$9 a month these men should have an allowance of \$5 a week, aggregating \$29 a month.

Under this order they have served for nearly two years. When the paymasters' accounts reached the accounting officers the Auditor of the Treasury for the Navy Department held that inasmuch as the Navy Department had made the allowance in two items, one of \$9 and the other of \$20 a month, they could not be allowed. It is the law, and it is conceded that it is within the power and province of the Navy Department to fix the allowances to men on detail. There is no question about that. It is not fixed by statute; it is fixed by regulation. And since this controversy has come up the Secretary of the Navy has fixed it in a lump sum at a dollar a day.

These young men drew the \$9 commutation of rations and the special allowance of \$20 per month for nearly two years. When, as I said, the accounts came in for settlement the Auditor checked the amount of the \$9 per month against their accounts, and we have this condition of affairs, that twenty-five young men, including this young man from St. Paul, in my State, of good family and who is a young man of excellent character, have been in the service of the United States since last July, performing every duty, executing every order that has been given them, failing in nothing, without receiving one dollar of their pay. It has been withheld since last July. This young man, who has now

been transferred to the navy-yard in this city, came to me before the holidays with tears in his eyes. He had not received one penny from the Government since last July. I went to see the accounting officer of the Treasury, the Auditor for the Navy, and asked him how he could tolerate such a condition of affairs. I asked him whether he was surprised that there were desertions from the Navy and from the Army when red tape was carried to that extent. "Oh, well," he said, "men of this class do not desert."

Now, I want the House to understand the ridiculous technicality that the Treasury Department has resorted to in this matter. I put this question to the Auditor:

"You concede, Mr. Auditor, that it was within the province of the Navy Department to fix the allowances of these men while they were performing this duty?"

"Yes."

"If it had been fixed in one sum, as has been done subsequently, at a dollar a day, you would have allowed it?"

"Yes, sir."

"You also concede that the Department allowed it at \$29 a month, but in two items, one item of \$9 being the regular commutation to a private when he is away from his vessel, and the other \$5 a week in addition to make \$29 a month?"

"Yes."

"Then," said I, "the reason that you refuse to pass this in the accounts is because the Department has made two items of that which, in your judgment, should have been allowed in one item?"

"Yes, sir; that is the reason."

That was the conversation I had with him.

Now I will send to the desk a letter from Secretary Moody, who asks that an amendment of this character be made. By the way, the amendment was drafted in his office. He apparently despairs of getting any sense of justice in the Treasury Department.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, January 4, 1904.

SIR: Referring to the matter of the checkage of the \$9 a month paid in lieu of quarters and rations while on recruiting duty in the case of Ernest Harold Harley, hospital apprentice, first class, in which you have interested yourself, and other like cases, the Department finds, after a conference with the office of the Auditor for the Navy Department, that it is unable to afford any relief in the premises. It appears, therefore, to be a matter requiring Congressional action, and to this end I have prepared and submit herewith a form of amendment which it is suggested may be inserted in the urgent deficiency bill. The amount involved is not large, there being about twenty-five such cases.

I have the honor to be, very respectfully,

W. H. MOODY, Secretary.

HON. JOHN LIND, House of Representatives.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. LIND. I ask that I may have five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LIND. If any Member of the House has any question to ask about this matter, I shall be very glad to answer it.

Mr. BINGHAM. There is no disposition on my part, after the facts the gentleman has stated, to question the justice of his proposition, but its relevancy is not to this bill. Even the suggestion of the Secretary of the Navy is that it go to the deficiency bill, but in my opinion you should go to the Naval Committee of the House.

Mr. LIND. But, General, if you will bear with me just one moment—

Mr. BINGHAM. With pleasure.

Mr. LIND. These young men are virtually starving in the sense that they have not had one red penny of their salaries since last July, and this without any fault of their own. They have been referred from the Navy Department to the Treasury Department, from the Treasury Department to the Navy Department, and again to the Treasury Department; and now the Navy Department sends them here to ask relief on a bill that has not yet been reported. These young men are in want. The Government is doing its utmost to make vagabonds of them, and all because of red tape. If this involved new legislation I should not ask it, but the amendment is simply to cut a knot of red tape in the Auditor's office; that is all. The law is so plain that the Secretary of the Navy had the right to make these allowances that there can be no question about it. He made the order in good faith. I will have one of the orders read.

The CHAIRMAN. The Clerk will read.

Mr. BINGHAM. I will state to the gentleman, for his information, that immediately following this bill from the Committee on Appropriations will come the urgent deficiency bill, and I think that the gentleman can get his amendment upon that bill. It has no relation to this bill.

Mr. LIND. I understand that.

Mr. BINGHAM. And while I have full sympathy with these

young men, just as much as my friend has, I should be inconsistent if I did not make my point of order against the amendment if offered to this bill.

Mr. LIND. I will ask the gentleman this question—

Mr. BINGHAM. I would suggest to the gentleman that he withdraw his appeal here, and let it go to the bill that follows this. It will follow this immediately.

Mr. LIND. I will ask this question: Which of the two bills is likely to be acted on first in the Senate?

Mr. BINGHAM. The urgent deficiency bill will pass this House, go to the Senate, and come back. This bill will doubtless not be considered by the Senate for a month. The urgent deficiency bill will pass the two Houses, and you will get your legislation quicker.

Mr. LIND. Under the circumstances, I will withdraw the amendment; but I will ask the Clerk to read the indorsement which I sent to the desk.

The Clerk read as follows:

[Second indorsement.]

DFS.

BUREAU OF NAVIGATION, NAVY DEPARTMENT,
February 5, 1903.

Subject—Relative to increase of subsistence allowed recruiting parties.
Respectfully returned to the office in charge of the United States naval recruiting station, Buffalo, N. Y.

The chief of bureau directs me to return this communication and to state that the correction recently issued relative to "Instructions for recruiting officers" has been erroneously construed by the recruiting staff.

Enlisted men who are not berthed and subsisted on board a receiving ship and who are members of a permanent recruiting party receive five (\$5) dollars per week for expenses and nine (\$9) dollars per month for subsistence.

ALEX. SHARP,

Lieutenant-Commander, United States Navy.

Mr. LIND. I withdraw the amendment.

The Clerk read as follows:

For wages of workmen and watchmen and not exceeding \$840 for other employees, \$4,200.

Mr. VAN DUZER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 64, lines 23 and 24, strike out the words "four thousand two hundred" and insert in lieu thereof the words "five thousand six hundred."

Mr. BINGHAM. A point of order, Mr. Chairman.

Mr. VAN DUZER. Mr. Chairman, in looking over the items submitted in the bill now before the House I find that the appropriation for the wages of watchmen and workmen has been reduced from \$5,600 to \$4,200, and as the actual conditions in Nevada do not justify this reduction I simply desire to state the facts, which I believe should influence the House in restoring the amount to \$5,600 instead of \$4,200, as provided for this year.

I desire to call the attention of the members of the committee to the facts regarding the mineral conditions of the State of Nevada, which should make this amendment of more than passing interest to the Members of this House.

The State of Nevada since her discovery has produced \$1,544,000,000 in gold and silver bullion, not to include lead and copper, an output exceeding that of any equal area in the world. For a number of years the production of mineral wealth declined in Nevada, but during the last three years science and discovery have again unlocked the riches hidden in our mountains. Science—which has conquered the subtle electrical fluid, which has yielded up to metallurgists the secrets of chemistry, and which has cheapened and invented new machinery—has enabled the famous Comstock, the greatest mining camp the world has ever known, to again work the lower levels of her mines, open up new bodies of ore hitherto inaccessible, to explore to depths hitherto regarded but as the dreams of sanguine mining men, and to work the millions of tons of low-grade ores known to exist in the upper levels of her mines.

The Comstock has produced in her day a sum variously estimated at about \$560,000,000. Magnificent, amazing, beyond the computation of the ordinary mind. The influence of that amount of wealth thrown into the channels of commerce, into the life of business, giving as it has inspiration to art and stimulating the energies and ambitions of mankind, has had a deeper, wider, and more far-reaching effect on modern civilization than the effect of any great battle in modern times. And yet to-day there lies within the grasp of man bodies of ore which we can not now compute, of a richness which only the assayer can determine, beneath the crown of Old Mount Davidson, which covers the wealth of the Comstock.

I predict that when other mining camps whose reputations have dazzled financiers and stirred up the greed and avarice of promoters have been forgotten Virginia City will still be yielding her stores of wealth to influence our civilization and contribute to the happiness of mankind. This is what science has done for the mines of Nevada.

Discovery but three years ago uncovered in the heart of a Nevada desert a deposit of ore whose actual production has already

reached \$20,000,000, whose measured ore bodies are now represented at \$100,000,000, and whose possible output may rival that of the Comstock. This camp is Tonopah, and I venture the assertion that there is not a Member upon this floor whose constituents are not more or less interested in this wonderful camp, which contains the largest and richest mine in the world.

I only refer to the Comstock and to Tonopah, two camps which will have produced more than the combined output of many Western States. I will not now take up your time by saying that there are a dozen other camps in Nevada springing into wonderful life, with untold possibilities. Instead of offering an amendment to raise a paltry wage allowance, I ought to offer an amendment rehabilitating and reestablishing the Carson mint [applause], because Carson City is the natural gateway to this entire region, which promises to tax the capacities of all the coinage mints in the country.

Carson City is located within 20 miles of Virginia City, generally better known as the Comstock, which has produced during the past year a million in gold and silver bullion. Carson is but 200 miles from Tonopah, and the wealth of Tonopah must pass her doors to be minted in San Francisco or some other city. Carson City today is the natural center of an area of country the most richly mineralized in the world. No city in the world is tributary to more actual mineral wealth.

Within three years gentlemen from the city of Philadelphia—the city from which the distinguished gentleman in charge of this bill comes—have made investments in the State of Nevada and have opened up a mining camp that promises to rival the great Comstock mine at Virginia City. Only within the past three months I visited my home, Tonopah, and in going through the Tonopah mines I walked underground for 10 miles through continuous workings and in solid ore, the walls of the drifts and tunnels fairly sparkling with mineral richness. It is estimated by eminent engineers in this country, men who have had experience in South Africa, and one a gentleman who is enjoying a salary of \$25,000 a year, that there are over \$75,000,000 worth of ore in sight in that one mine.

There are in the city of Philadelphia over twenty-two mining companies organized for the operating of mines at Tonopah. Tonopah is situated 200 miles from Carson City, and all her gold and silver bullion and assaying that is required to be passed upon in the mints of the United States must pass through Carson City.

I wish further to say that Carson City, where there was formerly a United States mint, now reduced to an assay office, is so situated that it is tributary to a greater mineral output than any single city in the United States to-day. So I say to the members of this committee that the demands which will be made upon Carson City assay office make it eminently fit and necessary that the appropriation, which has been cut down from the sum of \$5,600 to \$4,200, be raised. Mining history in Nevada is rapidly demonstrating that the abolition of the Carson mint was not only a legislative error but a political crime.

Think of it! A mint situated in the heart of a mining district—not only that, but in a section which has produced and will produce more than many mints could handle—the dies destroyed, the machinery removed. If the object of government is accommodation to its citizens and economy in administration, the condition of the Carson mint is certainly a striking example of a badly mismanaged government.

The fact of the matter is, gentlemen of the committee, instead of having a reduction there ought to be a raising up to \$10,000 in workmen's wages. Now I wish to say to the gentlemen who have charge of this bill, and particularly to the distinguished gentlemen from the city of Philadelphia, that the Director of the Mint in making the recommendation possibly was not cognizant of the facts which go to prove that within the next twelve months the output from the town of Tonopah, in Nevada, alone will amount to between fifteen and twenty million dollars; that there is now being built into Tonopah a railroad at a cost of one-half a million dollars, and there will be erected large reduction works.

So I say the necessity for raising this appropriation is one which will make it necessary for the mint at Carson City to be able to handle the necessary work which will be brought there through the renewed mining industry in the State of Nevada, at Virginia City, and particularly at Tonopah, not to speak of one dozen camps which are now being placed upon the basis of a large operation in the southern portion of the State. Tonopah is the greatest mining camp of recent years. Already the ore bodies have been opened up for 1,100 feet in depth. Already her mines have begun to pay dividends. Already the sweet music of the stamp is heard where but a short time ago was the silence of the desert.

The people of the East have looked upon Nevada as a destitute desert; they have looked upon her, in fact, as a State which was given up, as gentlemen have said, to coyotes and sage hens, and I want to say to the gentlemen of this committee that the State

of Nevada has poured into the lap of this nation enough money, were it now withdrawn from circulation, to bankrupt this nation. [Applause.] The State of Nevada was brought into this nation under circumstances—

The CHAIRMAN. The time of the gentleman has expired.

Mr. VAN DUZER. I would ask for five minutes more.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent to continue for five minutes more. Is there objection?

Mr. BINGHAM. I have no objection.

There was no objection.

Mr. VAN DUZER. I was stating the circumstances under which the State of Nevada was brought into this Union, and they are more interesting than those surrounding the birth of any other State in this Union.

The State of Nevada was admitted on the 31st day of October, 1864, and the constitution of the State had to be telegraphed to Washington in order to have the State admitted, because it required two votes in the United States Senate for the passage of the thirteenth amendment, and it was necessary that the State of Nevada be admitted at that time—

Mr. RODEY. They do not admit them so rapidly now; at least we do not find it so.

Mr. VAN DUZER (continuing). And that distinguished American, Abraham Lincoln, at that time the President of the United States, said to the first Member of Congress from the State of Nevada, afterwards—as he placed his hands upon the shoulders of that gentleman, in the homely way so characteristic of Lincoln—"Thank God, the State of Nevada has been admitted, because we will now have a source from which we can get sufficient metallic money to supply the business of this nation."

Those were the conditions of our birth. For twenty years Nevada has languished; but to-day, as a result of the Newlands irrigation bill, which should stamp its author as an empire builder along with Jefferson and Benton, we are going to have a population of one-half million people. Tonapah will sustain our agricultural population. We are the young giant of the West, and the next census will show that Reno, Nev., has been the most rapidly growing city in the West. [Applause.]

Now, coming back to the point in question, I simply wish to say to the members of this committee, in justice to the State, in justice to the facts which I have stated—and I have stated them accurately and correctly—that the mining output of the State of Nevada to-day is going to be doubled and trebled and quadrupled, possibly, in the next five years.

There never was sufficient reason why the mint at Carson should have been reduced to an assay office, because if upon the theory that governments are constituted to reduce the expenses of the government generally by putting these institutions in places where the business of the country can be most economically managed, there is no reason to-day why the Carson assay office should not be restored to a mint as it formerly was, the mint capacity having been taken away from it. But all I ask this committee to do is simply that the original sum which has been appropriated for the wages of workmen and watchmen shall be restored to what it was last year, namely, \$5,600, feeling assured that the rapidly growing output of Nevada bullion will necessitate the reestablishment of the mint.

Now, I do not know why this amount has been reduced from \$5,600 to \$4,200, and I do wish to say to the members of this committee that if you are going to do a simple act of justice, this item should be restored, because I have stated to you that as far as the State of Nevada and her mineral future are concerned she to-day is on the upgrade and will make a reputation for the output of gold and silver unequaled by any like area in the world.

California, which to-day has the reputation of being the Golden State, has not produced as much gold as the State of Nevada—as Nevada has produced in gold and silver. The State of Nevada has produced more than Arizona, Idaho, Washington, Oregon, and Utah. More than Alaska. More than Australia.

The State of Nevada has produced more gold and silver than South Africa has produced in her mining history. The State of Nevada has produced more than Montana, Utah, and Colorado combined. And yet, I say, as magnificent as these figures are of the presentation I make, Nevada in her condition to-day as a mining State is in her infancy.

The surface of that State has hardly been scratched from the standpoint of mining, and so I say there is no necessity, no reason, why the appropriations should be reduced in reference to the workmen in the mint from fifty-six hundred to forty-two hundred dollars. I will ask the gentlemen of the committee to stand by the amendment I have offered. [Applause.]

There is no necessity for the people of the East ever again to refer in terms of scorn and contempt to my State, Nevada. While there are no monuments to mark historic battlefields, no pages of her history made illustrious by deeds of soldier and sailor, yet I

point with pride to her history, though short in time, yet one magnificent in achievement.

Brought into the Union under circumstances the most dramatic in history, having given to the nation her golden and silver stores, with her wealth so widely and generously distributed that art, science, literature, and commerce have alike benefited by her, proud that her riches have created the fortunes which to-day influence modern business life, proud that the wealth of her mines enabled John W. Mackay to circle the globe with the electricity of intelligence which makes the whole world kin in thought, sentiment, and ambition, she stands no longer a suppliant for charity, but justly demands that which the magnificence of her undeveloped resources entitle her to—no longer the rotten borough, but the future home of farmers, miners, a manufacturing population, and a State to which commerce must look for her money metals and the nation, when she needs them, for brave and courageous American citizens. [Loud applause.]

Mr. BINGHAM. Mr. Chairman, the current law for the mint at Carson City for wages of workmen, to which, as I understand, the gentleman's amendment applies, is \$5,600. The estimate submitted by the Department was \$4,200. The bill carries \$4,200. Therefore a point of order does not run against the gentleman's proposition.

As to the merits, I have no doubt the gentleman's remarks have made an impression on the House. With due respect to all the officials of the Government who make up the estimates in the book submitted to the Committee on Appropriations, the pleasure of seeing reduced estimates, I assure you, is most agreeable to the committee.

The details, as given by the gentleman from Nevada, were in no wise submitted to our committee. We simply accepted the judgment of the Director of the Mint in the estimate of the conduct of the mint at Carson City in the matter of wages of workmen, that it could be carried on at the lesser figure. I leave the whole question to the judgment of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Territory of Arizona: For governor, \$3,000; chief justice and three associate judges, at \$3,000 each; secretary, \$1,800; interpreter and translator in the executive office, \$500; in all, \$17,300.

Mr. WILSON of Arizona. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 71, line 15, after the word "governor" strike out the words "three thousand" and insert in lieu thereof "three thousand five hundred."

Also, on page 71, line 17, after the word "secretary," strike out the words "one thousand eight hundred" and insert the words "two thousand five hundred."

Mr. BINGHAM. Mr. Chairman, I reserve the point of order.

Mr. WILSON of Arizona. Mr. Chairman, the object of this amendment is to pay these officers the salaries fixed by law. I call the attention of the committee to section 1845 of the Revised Statutes, which is the organic act on this subject for the Territory of Arizona and other Territories, and it reads as follows:

From and after the 1st day of July, 1873, the annual salaries of the governors of the several Territories shall be \$3,500. The salary of the secretaries shall be \$2,500.

Now, I say that is the law which fixes the salary to be paid to these officers, and it has been so for years. This appropriation is not sufficient to pay the salaries at all; it is cutting them down. I submit, as a fair consideration of the matter, that when a salary is fixed by law it should be paid, and that unless the appropriation is sufficient it can not be done.

Now, it is certainly, Mr. Chairman, germane to the subject because it is on the question of the payment of salaries. This provision is not in compliance with the salary fixed by the law itself. Therefore I make the motion to amend that particular subject of which the bill speaks, and upon the particular point for which the law provides a fixed salary an amendment must necessarily be germane to an appropriation that does not cover it. It is unfair to the officer that fills the position. I know well the duties of the governor of my Territory, and that they go to the extent of requiring such an amount of his time, in fact all of it, that less than that amount he can not live upon at all. I know that the governor in the execution of his duties necessarily must pay his expenses and must necessarily draw his support to a considerable extent from his own private purse outside of his salary. I submit that, that being the law by the organic act (which is the constitution of the Territory), it should be covered by the appropriation in this bill.

Mr. RODEY. Mr. Chairman, I hope this amendment will prevail, and I hope that a similar amendment, which I will shortly offer with reference to New Mexico, will also prevail. New Mexico and Arizona have been treated quite unfairly in this particular. If you glance at the bill you will see that the governor of

Hawaii gets what amounts practically to \$8,000 a year, when you count up all the perquisites: the governor of Porto Rico gets \$5,000, and the judges of Oklahoma get \$4,000 per annum, while both the governors and judges of Arizona and New Mexico get but \$3,000.

You will see that Arizona has not been treated fairly when the appropriation for the governor's salary in both New Mexico and Arizona is only \$3,000. Certainly it ought to be \$6,000 to pay them any sort of reasonable compensation. Respecting the secretary of so vast a territory as Arizona or New Mexico, the work of that office is tremendous. There is hardly a clerk in the Territory that does not get \$1,800 a year and it is certainly wrong to make the salary of the secretary of the Territory, who sometimes acts as governor, only \$1,800. It ought to be left at what the law fixes it. I believe the chairman having this bill in charge will concede that a point of order does not lie against this amendment at this time, because there is a statute requiring this to be paid, and nothing but the action of the committee cuts it down lower than that.

I submit that it is fair to the Territories to have this amendment passed; that the Government takes the revenues of the Territories year after year, and has done so for forty years in Arizona and for fifty-five years in New Mexico. I submit that it is just that we should get some little portion of it back even in the way of the payment of the governor's salary. The salary is small enough even at \$3,500, and of course is so much more so at \$3,000. I hope the House will grant this amendment, and I will offer a similar amendment in respect to New Mexico.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

Mr. BINGHAM. Mr. Chairman, of course the point of order does not stand against the amendment offered by the gentleman from Arizona [Mr. WILSON]. However, it is proper for me to state to the House that some twenty-eight years ago under what was called the Holman rule, at a time when I believe Mr. Randall on that side of the House was chairman of the Committee on Appropriations, the committee reduced upward of 200 statutory compensations all along the line of the Departments, as well as in the Territories.

From that day to this that reduced compensation has been given. Appropriation bill after appropriation bill has continued the same practice with reference to the items considered by the amendment offered by the gentleman from Arizona, and the House has been consistent in holding these allowances to the figures contained in the bill.

I am free to say that the House in after action in many cases has gone back to the statutory provisions, but these have remained in the cases of the governor of New Mexico and the governor of Arizona, where there is a reduction of \$500. Your committee is of the opinion that it would be wise action on the part of the House to let the bill stand as reported, with the salaries as fixed.

As to the compensation given the secretary of the Territory, I think the gentlemen representing the two Territories will concur with me when I make the statement to the House that the secretaryship of a Territory, so far as his compensation runs, is the least consideration in the possession of that office. I think it is common report that the office of secretary of a Territory with fees and allowances in some form receives a compensation running into thousands of dollars.

Mr. RODEY. That has been done away with in New Mexico by statute.

Mr. BINGHAM. I am glad to hear the gentleman make that statement, but I make the statement that as a rule the office of secretary of a Territory was and is regarded as a valuable appointment. The matter rests with the judgment of the committee. The action of Congress with reference to the newest of the Territories, Oklahoma, is along this same line, allowing the governor \$3,000.

Mr. RODEY. How about Hawaii and Porto Rico?

Mr. WILSON of Arizona. Mr. Chairman, the law gives the salary to the governor, as has been stated by the chairman of the committee and as is stated by the amendment, and the action of the committee is but retaining from him that which the law gives him. I submit in all fairness that that is not just, and simply because it has not been resented heretofore, because the matter has not been called before the House for consideration heretofore, is no reason why this House or this committee should not deal fairly with that official now. The idea of this rule having been established in times gone by, and perhaps not resented at the time, I can not take as an answer to the fairness presented by the proposition that when the law gives a salary it is unfair for the power of this House to withhold it in the form of an appropriation bill.

When the act creating the Territory gives it, it ought to be met by the appropriation, as others are met, and because unfairness has been done in the past it can not be an answer that it ought to be done now. Two wrongs do not make a right.

Now, as to the salary of the secretary, the gentleman is correct that the perquisites of the office of secretary have heretofore been extremely high in that Territory. They have gone up into the thousands of dollars. But the last legislature took them away—took the duties of the secretary away which went to make up this mammoth pile of coin for him, and those duties have been imposed upon another officer and through him the fees are now turned into the treasury.

So it is not so prolific now. I believe the perquisites of that office may be about the amount you appropriate for salaries—about \$1,500 or \$1,800. But the services performed by the secretary of the Territory are many. He does all the Federal duty; he does all the Territorial duty pertaining to the Territory. He keeps all the records, both national and Territorial. And the amount that he receives, together with the Territorial allowances, is not sufficient to afford him more than a decent living, unless the salary which the law gives him be allowed. The law gives him this amount; why should the Committee on Appropriations, with the law staring them in the face, take it away? I submit that the amendment ought to prevail. I ask in all fairness that it be adopted.

Mr. GILLET of Massachusetts. Mr. Chairman, I think we may well consider in this connection that the salary proposed in the bill is certainly as much as a great many of the States pay. For instance, I understand the great State of Nebraska, near these Territories, pays a salary of \$2,500; yet we propose to give to this still unformed Territory \$3,000. I know that in a number of the New England States small salaries are paid to governors, some much smaller than this; and in a great many of the Western States, if I am not misinformed, the salary is not as large as that provided for this Territory in the bill.

Inasmuch as it has been the practice of Congress for twenty years to make this appropriation, and inasmuch as this allowance is certainly quite as large as a great many of the States allow to officers of a similar class, I think the salary appropriated in the bill might be allowed to remain as it has continued year after year, with no material change, whichever side had control of Congress.

The question having been taken on the amendment of Mr. WILSON of Arizona,

The CHAIRMAN. The ayes appear to have it.

Mr. BINGHAM. I call for a division.

The question being again taken, there were—ayes 50, noes 37.

Mr. BINGHAM. I ask for tellers.

Tellers were ordered; and Mr. BINGHAM and Mr. WILSON of Arizona were appointed.

The committee again divided; and the tellers reported—ayes 54, noes 47.

So the amendment was agreed to.

Mr. WILSON of Arizona. I desire to offer an amendment changing the total of this appropriation.

The Clerk read as follows:

In line 19, page 71, after the words "in all," strike out "\$17,300" and insert "\$18,500."

The amendment was agreed to.

The Clerk read as follows:

Territory of New Mexico: For governor, \$3,000; chief justice, and four associate judges, at \$3,000 each; secretary, \$1,800, and interpreter and translator in the executive office, \$500; in all, \$20,300.

Mr. RODEY. I move to amend by inserting, after the word "thousand," in line 6, page 72, the words "five hundred;" so as to make the salary of the governor of New Mexico \$3,500; and to strike out in lines 7 and 8, on the same page, the words "one thousand eight hundred dollars" and insert "\$2,500."

Mr. Chairman, this is exactly the same amendment just adopted with reference to the other Territory.

Mr. BINGHAM. Mr. Chairman, the Committee on Appropriations desires to be wholly consistent with the action it has taken in reference to the other Territories. Without going into discussion further, the matter may be left to the action of this committee.

The question being taken on the amendment of Mr. RODEY, there were on a division (called for by Mr. BINGHAM)—ayes 42, noes 34.

So the amendment was agreed to.

Mr. RODEY. I ask unanimous consent that the total amount of the paragraph be corrected in accordance with the vote just taken.

The CHAIRMAN. In the absence of objection, that change will be made.

There was no objection.

The Clerk read as follows:

Record and Pension Office: For chief clerk, \$2,000; 5 chiefs of division, at \$2,000 each; 34 clerks of class 4; 53 clerks of class 3; 83 clerks of class 2; 186 clerks of class 1; 48 clerks, at \$1,000 each; engineer, \$1,400; assistant engineer, \$800; 2 firemen; skilled mechanic, \$1,000; 6 messengers; 38 assistant messengers; messenger boy, \$300; 5 watchmen; superintendent of building, \$250; and 17

laborers; in all, \$601,570; and all employees provided for by this paragraph for the Record and Pension Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year 1905.

Mr. BINGHAM. I move to amend the paragraph just read by striking out in line 2 of page 77 the word "thirty-four" and inserting "thirty-six." The purpose of this amendment is simply to correct a misprint, the sum total of the appropriation remaining the same.

The amendment of Mr. BINGHAM was agreed to.

The Clerk read as follows:

So much of the naval appropriation act for the fiscal year 1888 as authorizes the Secretary of the Navy to employ, and pay out of the appropriations for new ships, such civilian expert aids, additional draftsmen, writers, copyists, and model makers on the designs therefor as may be necessary, is repealed, to take effect on and after July 1, 1904.

Mr. BINGHAM. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Strike out lines 23, 24, and 25 on page 85, and lines 1, 2, 3, and 4 on page 86, and insert in lieu thereof the following:

"On and after July 1, 1904, it shall not be lawful for the Secretary of the Navy to employ in the Navy Department at Washington, D. C., and pay out of the appropriations for new ships, any civilian expert aids, additional draftsmen, writers, copyists, and model makers, except as herein or as may hereafter be specifically authorized."

The amendment was agreed to.

The Clerk read as follows:

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed in the Bureaus of Construction and Repair and Steam Engineering to carry into effect the various appropriations for "Increase of the Navy," to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1905 shall not exceed \$120,000; a statement of the persons employed hereunder and the compensation paid to each shall be made to Congress each year in the annual estimates.

Mr. BINGHAM. Mr. Chairman, a committee amendment.

The amendment was read, as follows:

On page 96, in line 13, after the word "of," insert the words "ordnance, equipment."

The amendment was agreed to.

The Clerk read as follows:

For the following in lieu of employees now authorized and paid from appropriations for "new ships": For one clerk, at \$1,100; five clerks, at \$1,000 each; three messenger boys, at \$300 each; in all, \$7,900.

Mr. BINGHAM. Mr. Chairman, a committee amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 99, in line 7, strike out the words "new ships" and insert in lieu thereof the words "public works."

The amendment was agreed to.

The Clerk read as follows:

The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed in the Bureau of Yards and Docks to carry into effect the various appropriations for "public works" to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1905 shall not exceed \$30,000; a statement of the persons employed hereunder and the compensation paid to each shall be made to Congress each year in the annual estimates.

Mr. HEPBURN. Mr. Chairman, I should like to ask the gentleman in charge of the bill the reason why these appropriations take this form? Why do you authorize an expenditure out of an appropriation for another use, rather than make an appropriation direct for it?

Mr. BINGHAM. I would state to the gentleman that it comes under the action of Congress a year ago, when the question was before the Committee on Appropriations as to the money expended by the Navy Department in the employment of subordinate force, and drawing from the general fund "Increase of the Navy."

The gentleman, of course, is not familiar with the hearings, but it developed that the Secretary stated to the committee a year ago that he had uncontrollable authority under the law to draw upon the fund for the increase of the Navy, which runs to the millions of dollars for new ships, for the subordinate force in his Department. He comes to the committee, under the injunction of the Congress, and submits to us his clerical force, under recognized assignments and salaries, now employed upon the per diem roll and paid from the allowances under the "Increase of the Navy."

We called before us the chairman of the Committee on Naval Affairs and submitted to him the whole proposition, the general repeal of the law, the transfer of the clerks now employed under that appropriation, "Increase of the Navy," as well as an additional appropriation from the fund of the increase of the Navy of \$120,000, in order that the Secretary might employ that variable quantity in employment called "draftsmen" and subordinates necessary to aid the draftsman force; and for the public-works appropriation \$30,000.

Therefore we take up these clerks in the several paragraphs that we have passed, and make them a part of the establishment of the naval administration in the Department, in order first that there shall be an exhibit of what the real subordinate force costs the Navy Department in administration, as well as an annual control of that force in this bill, the same as we have control of every other department of the Navy.

Mr. HEPBURN. All of these clerks, then, that are authorized under these two paragraphs—

Mr. BINGHAM. Under all the paragraphs running to the Navy Department.

Mr. HEPBURN (continuing). Become a part of the permanent force?

Mr. BINGHAM. Become a part of the permanent force, as they virtually now are. The only variable force are the draftsmen.

Mr. HEPBURN. But instead of being paid directly—

Mr. BINGHAM. They are being paid directly by this appropriation, and we take them up in our annual budget.

Mr. HEPBURN. But you diminish, do you not, the appropriation that is made for new ships to the amount that is authorized to be paid to these clerks?

Mr. BINGHAM. We have heretofore.

Mr. HEPBURN. So it is an indirect way of doing this, is it not?

Mr. BINGHAM. Oh, no; this is the direct way. The other was the indirect way. The Secretary had authority under existing law to draw upon the fund for the increase of the Navy for any unlimited subordinate force he desired.

Mr. HEPBURN. Well, has he that power now?

Mr. BINGHAM. He has at this moment.

Mr. HEPBURN. Ought he to have it?

Mr. BINGHAM. Now we propose to stop it.

Mr. HEPBURN. Does that stop it?

Mr. BINGHAM. It stops it absolutely, and is recommended by the Secretary.

I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9480, the legislative appropriation bill, and had come to no resolution thereon.

ENROLLED BILL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled the bill (S. 2300) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Mo.," approved January 26, 1901; when the Speaker signed the same.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 32. Joint resolution to fill vacancies in the Board of Regents of the Smithsonian Institution—to the Committee on the Library.

S. 1753. An act for the relief of Pay Clerk Charles Blake, United States Navy—to the Committee on Claims.

S. 2820. An act for the relief of Hamilton D. South—to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. KNAPP, for five days, on account of important business. To Mr. PUJO, for two weeks, on account of important business. To Mr. DAVEY of Louisiana, for two weeks, on account of important business.

REPRINT OF A BILL.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 4) entitled "A bill to prevent discrimination against members of Indian tribes attending religious or private schools," for the purpose of correcting the title on the back of the bill, in which the word "prevent" has been printed "permit."

The SPEAKER. Without objection, consent will be granted. There was no objection.

APPOINTMENT OF CUSTOMS APPRAISER AT PITTSBURG, PA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 6804 and to put it on its passage.

The SPEAKER. The Clerk will report the bill

The Clerk read as follows:

A bill (H. R. 6804) providing for the appointment of a customs appraiser at Pittsburgh, Pa.

Be it enacted, etc. That there shall be in the customs collection district of Pittsburgh, in the State of Pennsylvania, an appraiser, to be appointed by the President, by and with the advice and consent of the Senate, and with compensation at the rate of \$3,000 per annum.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. LIVINGSTON. Reserving the right to object, I would like the gentleman to make an explanation.

Mr. HEPBURN. I would like to ask the gentleman why it is necessary that the appointment of this man should be made with the consent of the Senate? If he will consent, I will move to strike out those words.

Mr. DALZELL. Oh, I would rather not. I think that would be very unusual and would imperil the passage of the bill. This is a Treasury bill, which is reported unanimously from the Committee on Ways and Means, and there is quite a lengthy explanation of it in a letter from the Secretary of the Treasury addressed to the committee and embodied in the report. Some twenty years ago, under a section of the Revised Statutes, the Secretary of the Treasury abolished the office of appraiser at the port of Pittsburgh, and from that time on the duties of appraiser have been performed by various parties, first one and then the other, assigned to that duty by the collector of the port. This is an exceedingly bad practice, according to the officials of the Treasury. But the more especial and the most substantial reason for the appointment of this officer now is that during the last five years the business of the port of Pittsburgh has increased 300 per cent. Every other port of the country that has an amount of business corresponding with that done at Pittsburgh has its appraiser.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BINGHAM. Mr. Speaker, I move you that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

Message from the President, transmitting a report by the Acting Secretary of State in regard to application of British embassy in behalf of Messrs. Gordon, Ironsides & Fares Company (Limited), of Canada, for reimbursement of \$7,626.08, alleged that the United States customs authorities improperly exacted as duties on certain sheep and cattle in November, 1902.

Message from the President, transmitting a report from the Acting Secretary of State, with inclosure from the ambassador of the French Republic, relative to the desire of certain French citizens to present to this Government a reproduction of the bust of Washington by David d'Angers, which the donors wish to have placed in the Capitol, with recommendations that Congress accept the gift.

A letter from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the resignation of Sidney G. Cooke as manager—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on projects of improvement of Warroad Harbor and Warroad River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

A letter from the Secretary of War, transmitting official reports of the claim of the Imperial Coal Company, of Gibraltar—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriations for public printing and binding for the Interior Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for Indian school, Truxton Canyon, Arizona—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for improvement at Ellis

Island immigration station, New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Winthrop's Cove, New London Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, recommending legislation relating to the pay for gunners of field artillery and inclosing the draft of a bill—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Georgetown Harbor, South Carolina—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mississippi River at Moline, Ill.—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

A letter from the Attorney-General, transmitting a reply to the resolution of the House inquiring as to the expenditures in the enforcement of antitrust laws—to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 29) providing for the transfer of certain military rolls and records from the Interior and other Departments to the War Department, reported the same without amendment, accompanied by a report (No. 298); which said joint resolution and report were referred to the House Calendar.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 6804) providing for the appointment of a customs appraiser at Pittsburgh, Pa., reported the same without amendment, accompanied by a report (No. 299); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 652) making Chester, Pa., a subport of entry, and a bill of the House (H. R. 6808) on the same subject, reported the Senate bill without amendment, accompanied by a report (No. 300); which said bill and report were referred to the House Calendar. The House bill accompanying the report was ordered to lie on the table.

Mr. DOUGHERTY, from the Committee on Indian Affairs, to which was referred the bill of the House H. R. 5767, reported in lieu thereof a bill (H. R. 9891) giving the consent of Congress to the removal of the restrictions on the sale of Puyallup allotted lands, and confirming and legalizing sales thereof since March 3, 1903, reported the same with amendment, accompanied by a report (No. 301); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GREGG, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8817) for the relief of the legal representatives of Alexander F. Butler, late of Louisa County, Va., reported the same without amendment, accompanied by a report (No. 297); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6755) granting a pension to Fred B. Willis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4941) granting a pension to Mary J. Wilson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 754) granting a pension to John M. Lawton—Com-

mittee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2536) to suppress and prevent unfair and dishonest competition in trade—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on the Judiciary.

A bill (H. R. 3810) granting an increase of pension to Susie G. Seabury—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7368) granting a pension to Annie G. Norwood—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9323) to amend so much of an act approved March 3, 1903, as authorized the erection and completion of new buildings for the accommodation of the United States naval hospital, Washington, D. C., as concerns the location thereof—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 9585) granting an increase of pension to Nelson McIntosh—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9616) granting a pension to Thomas Dagnon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MACON: A bill (H. R. 9867) to provide for the purchase of a site and the erection of a public building thereon at Paragould, in the State of Arkansas—to the Committee on Public Buildings and Grounds.

By Mr. WEISSE: A bill (H. R. 9868) to establish a fish-hatching and fish station in the city of Sheboygan, Sheboygan County, State of Wisconsin—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9869) to provide for the purchase of a site and the erection of a public building thereon at Beaverdam, in the State of Wisconsin—to the Committee on Public Buildings and Grounds.

By Mr. STANLEY: A bill (H. R. 9870) for the relief of farmers and tobacco growers—to the Committee on Ways and Means.

By Mr. DAYTON: A bill (H. R. 9871) to authorize the Buckhannon and Northern Railroad Company, a corporation under the laws of the State of West Virginia, to build a bridge across the Monongahela River near the town of Rivesville, in the State of West Virginia—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Connecticut: A bill (H. R. 9872) providing for the licensing of custom-house brokers—to the Committee on Ways and Means.

By Mr. DANIELS: A bill (H. R. 9873) to provide for the purchase of a site and the erection of a public building thereon at San Diego, Cal.—to the Committee on Public Buildings and Grounds.

By Mr. PEARRE: A bill (H. R. 9874) for an additional judge in the fourth judicial circuit—to the Committee on the Judiciary.

By Mr. WADE: A bill (H. R. 9875) granting to the Davenport Water Power Company rights to construct and maintain wing dam, canal, and power station in the Mississippi River at Davenport, Iowa—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9876) making State historical societies designated depositories of public documents—to the Committee on Printing.

By Mr. WILSON of Illinois: A bill (H. R. 9877) to provide an eight-hour workday for post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMSON: A bill (H. R. 9878) to amend an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900—to the Committee on the Territories.

By Mr. THOMAS of North Carolina: A bill (H. R. 9879) to increase the compensation of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN (by request): A bill (H. R. 9880) to authorize the maintenance of actions for negligence causing death in maritime cases—to the Committee on the Judiciary.

By Mr. SULZER: A bill (H. R. 9881) providing for the adjustment and payment of accounts of laborers and mechanics arising under the eight-hour law—to the Committee on Claims.

By Mr. DAYTON (by request): A bill (H. R. 9883) allowing two months' extra pay to enlisted men of the United States Navy during the war with Spain who served outside the United States, and one month's extra pay to such as served within the United States—to the Committee on War Claims.

By Mr. MAYNARD: A bill (H. R. 9883) to fix the compensation of light-house keepers and to provide for their retirement on half pay—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9884) providing for the purchase of the Temple Farm, at Yorktown, Va., and for other purposes—to the Committee on Military Affairs.

Also, a bill (H. R. 9885) to provide for the erection of a public building in the town of Suffolk, in the State of Virginia—to the Committee on Public Buildings and Grounds.

Also (by request), a bill (H. R. 9886) granting Gould P. Austin, of Phoebus, Va., permission to erect a building upon the Government reservation at Fortress Monroe, Va.—to the Committee on Military Affairs.

Also, a bill (H. R. 9887) to provide for acquirement, by condemnation, of lands at Cape Henry, Virginia, for the purpose of fortification and coast defense—to the Committee on Appropriations.

By Mr. ROBERTS: A bill (H. R. 9888) appropriating \$4,500,000 for the purchase of submarine torpedo boats—to the Committee on Naval Affairs.

By Mr. MAYNARD: A bill (H. R. 9889) granting Gould P. Austin, of Phoebus, Va., permission to erect a building upon the Government reservation at Fortress Monroe, Va.—to the Committee on Military Affairs.

By Mr. BURKETT: A bill (H. R. 9890) to pension the Nebraska Territorial Militia—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY, from the Committee on Indian Affairs: A bill (H. R. 9891) giving the consent of Congress to the removal of the restrictions on the sale of Puyallup allotted lands, and confirming and legalizing sales thereof since March 3, 1903—to the House Calendar.

Also, a bill (H. R. 9892) giving the consent of Congress to the removal of the restrictions on the sale of Puyallup allotted lands—to the Committee on Indian Affairs.

By Mr. LILLEY: A bill (H. R. 9893) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: A bill (H. R. 9894) to incorporate the American Academy in Rome—to the Committee on the Library.

By Mr. VANDIVER: A bill (H. R. 9895) providing for the erection of a public building at Cape Girardeau, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. MAYNARD: A resolution (H. Res. 140) for appointment by the Secretary of War of a board of survey to determine the value of the Hygeia Hotel—to the Committee on Military Affairs.

By Mr. WACHTER: A resolution (H. Res. 141) authorizing chairman of the Committee on Enrolled Bills to appoint additional clerk—to the Committee on Accounts.

By Mr. WILLIAMSON: Memorial of the legislature of the State of Oregon, requesting Congress to pass a law increasing compensation of certain rural letter carriers of the United States—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the legislature of the State of Oregon, concerning the Lewis and Clark Centennial Exposition—to the Committee on Industrial Arts and Expositions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 9896) granting a pension to Jane Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9897) granting a pension to William Newton—to the Committee on Invalid Pensions.

By Mr. BISHOP: A bill (H. R. 9898) granting an increase of pension to Orsen Hauser—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: A bill (H. R. 9899) granting a pension to Frances Marilla Buell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9900) granting a pension to Charles B. Montgomery—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 9901) granting a pension to John M. Stoner—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 9902) for the relief of Samuel T. King—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: A bill (H. R. 9903) granting an increase of pension to George W. Harlan—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 9904) for the relief of Faxon, Horton & Gallagher and other parties—to the Committee on Claims.

By Mr. CURRIER: A bill (H. R. 9905) granting an increase of pension to Peter Sullivan—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 9906) granting an increase of pension to Thomas P. Dunn—to the Committee on Pensions.

By Mr. DAYTON: A bill (H. R. 9907) granting an increase of pension to John C. Dearing—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 9908) granting an increase of pension to Charles H. Alden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9909) granting a pension to George P. Bal-lough—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 9910) for the relief of Hugh O'Reilly—to the Committee on Military Affairs.

Also, a bill (H. R. 9911) granting an increase of pension to Esther Skellie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9912) granting an increase of pension to Simon Elgiser—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 9913) for the relief of Joel Townsend—to the Committee on Military Affairs.

Also, a bill (H. R. 9914) granting an increase of pension to Florence Mahoney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9915) granting an increase of pension to Irvin F. Hoyt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9916) granting a pension to Catharine A. Osborn—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 9917) granting a pension to Gertrude Howard—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 9918) for the relief of the estate of F. Z. Tucker—to the Committee on War Claims.

By Mr. FULLER: A bill (H. R. 9919) to amend the military record of Henry Keeler—to the Committee on Military Affairs.

By Mr. GAINES of West Virginia: A bill (H. R. 9920) for the relief of the heirs of Nancy Montgomery—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 9921) granting a pension to Virginia Boyd—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 9922) granting an increase of pension to William J. Foster—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 9923) granting an increase of pension to James C. Daly—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 9924) granting an increase of pension to Nathaniel Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9925) for the relief of A. T. Pieratt—to the Committee on Claims.

By Mr. HULL: A bill (H. R. 9926) granting an increase of pension to Ira Waldo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9927) for the relief of Alden K. Riley—to the Committee on Military Affairs.

By Mr. HUNT: A bill (H. R. 9928) granting a pension to Jacob Goetz—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 9929) granting an increase of pension to Frederick K. Bryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9930) granting a pension to Alfred Melvin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9931) authorizing the appointment and retirement of Charles Chaille-Long with the rank of colonel, United States Army—to the Committee on Military Affairs.

By Mr. KEHOE: A bill (H. R. 9932) granting a pension to Lilburn E. Taber—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 9933) granting a pension to Marvin Coshun—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 9934) granting a pension to Mary J. Germaine—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 9935) to remove the charge of desertion from the military record of Joseph Wiley—to the Committee on Military Affairs.

Also, a bill (H. R. 9936) to remove the charge of desertion from the military record of Peter O. Wellington—to the Committee on Military Affairs.

Also, a bill (H. R. 9937) granting an increase of pension to Oliver J. Conant—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 9938) granting an increase of pension to Manning D. Birge—to the Committee on Invalid Pensions.

By Mr. LUCKING: A bill (H. R. 9939) granting a pension to Martha Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9940) granting a pension to Marie Ferguson—to the Committee on Pensions.

By Mr. MAYNARD: A bill (H. R. 9941) to place Dr. Henry Smith on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 9942) granting a pension to Emma V. Simmonds—to the Committee on Pensions.

Also, a bill (H. R. 9943) granting a pension to Thomas Allen—to the Committee on Pensions.

Also, a bill (H. R. 9944) granting a pension to Frances A. Almy—to the Committee on Pensions.

Also, a bill (H. R. 9945) granting a pension to Mrs. J. McDonald Armistead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9946) for the relief of Mary Cornick—to the Committee on Claims.

Also, a bill (H. R. 9947) for the relief of Charles Candy—to the Committee on War Claims.

Also, a bill (H. R. 9948) for the relief of the widow of Joseph Culley—to the Committee on Claims.

Also, a bill (H. R. 9949) for the relief of Mary L. Bernard—to the Committee on War Claims.

Also, a bill (H. R. 9950) for the relief of William Edward Bailey—to the Committee on Claims.

Also, a bill (H. R. 9951) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased—to the Committee on Claims.

Also, a bill (H. R. 9952) for the relief of Martha Louisa Whitaker—to the Committee on War Claims.

Also, a bill (H. R. 9953) for the relief of the Western Branch Baptist Church, Virginia—to the Committee on War Claims.

Also, a bill (H. R. 9954) for the relief of the heirs of Thomas G. Wright—to the Committee on War Claims.

Also, a bill (H. R. 9955) for the relief of George W. Wood—to the Committee on Naval Affairs.

Also, a bill (H. R. 9956) for the relief of Mrs. Mary Lowe and Mrs. Angelina L. Thorpe, daughters of the late Isaac Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9957) for the relief of E. J. Seeds—to the Committee on Claims.

Also, a bill (H. R. 9958) for the relief of the First Baptist Church, Suffolk, Va.—to the Committee on War Claims.

Also, a bill (H. R. 9959) for the relief of Mary E. O. Dashiell—to the Committee on War Claims.

Also, a bill (H. R. 9960) for the relief of Charles Cox—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 9961) to remove the charge of desertion from the record of Augustus Thomas—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 9962) for the relief of the Primitive Baptist Church, colored, of Huntsville, Ala.—to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 9963) granting a pension to Grace Miller—to the Committee on Pensions.

By Mr. SHERMAN: A bill (H. R. 9964) for the relief of Arlington C. Denike—to the Committee on Naval Affairs.

By Mr. SIMS: A bill (H. R. 9965) for the relief of R. R. Aycock—to the Committee on War Claims.

Also, a bill (H. R. 9966) for the relief of W. T. Newbill—to the Committee on War Claims.

By Mr. SMITH of Illinois: A bill (H. R. 9967) for the relief of Mrs. Elizabeth M. Brickell, late widow of John P. Law, as special agent of the thirteenth district of Illinois provost-marshal-general's office, United States—to the Committee on Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 9968) granting an increase of pension to Peter P. Roberts—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 9969) granting an increase of pension to James Frederick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9970) granting an increase of pension to Robert W. Shaffer—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 9971) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army—to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 9972) for the relief of William A. Clark—to the Committee on Claims.

Also, a bill (H. R. 9973) granting a pension to Augusta D. Murdock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9974) granting a pension to Julia J. Hubble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9975) granting a pension to Amelia Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9976) granting an increase of pension to George R. Beach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9977) granting an increase of pension to William R. Hibbard—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 9978) granting an increase of pension to Samuel Iverson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9979) granting an increase of pension to Ezra Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9980) granting an increase of pension to Edwin A. Haradon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9981) for the relief of Darwin S. Hall—to the Committee on Claims.

By Mr. WADE: A bill (H. R. 9982) granting an increase of pension to George R. Roraback—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 9983) to correct the military record of Wade H. Newman—to the Committee on Military Affairs.

By Mr. WEISSE: A bill (H. R. 9984) granting a pension to Joseph Osthelder—to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 9985) providing for donation of lots A, B, K, and L, in block 39, in Fort Dalles military addition to The Dalles, Oreg., as shown on the plat of the city of The Dalles and surroundings, and filed in the local land office at The Dalles, Oreg., to the Oregon Historical Society—to the Committee on the Public Lands.

By Mr. WILSON of Arizona: A bill (H. R. 9986) granting an increase of pension to Michael McKenna—to the Committee on Pensions.

By Mr. VANDIVER: A bill (H. R. 9987) granting an increase of pension to Jones Adler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9988) granting an increase of pension to William Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9989) granting a pension to William C. Kinyon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9990) granting a pension to John Bartmann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9991) to correct the military record of Addison Tennis—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 9992) for the relief of B. L. Davis—to the Committee on Claims.

Also, a bill (H. R. 9993) granting a pension to Absolem Hobbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9994) granting an increase of pension to Henry D. Combs—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 9995) granting an increase of pension to Amanda Thomas—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 9996) granting a pension to Henry Mason—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 9997) granting an increase of pension to William A. Duncan—to the Committee on Invalid Pensions.

By Mr. SHERLEY (by request): A bill (H. R. 9998) for the relief of James S. McDonogh, Harry A. Hegarty, and James A. Toomey, for professional services rendered and costs expended in case of United States against Robert West—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany bill H. R. 8903, granting a pension to Sarah F. Craig—to the Committee on Invalid Pensions.

By Mr. ADAMS of Pennsylvania: Resolutions of Baltimore Chamber of Commerce, relating to reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. BABCOCK: Papers to accompany bill H. R. 6823, granting increase of pension to S. R. Pollard—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 7307, granting increase of pension to Mary Tichenor—to the Committee on Invalid Pensions.

Also, resolution of Sam Montieth Post, No. 172, Grand Army of the Republic, of Fennimore, Wis., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Resolution of Robert Anderson Post, No. 68, Grand Army of the Republic, of Waterloo, Iowa; J. W. McKenzie Post, No. 81, Grand Army of the Republic, of Hampton, Iowa, and James Roller Post, No. 220, Grand Army of the Republic, of Clarksville, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Resolution of the Western Retail Implement Dealers' Association, favoring amendment to Senate bill 1261 so as to exempt inter and mutual insurance companies—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Letter of M. E. Smith & Co., against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL: Papers to accompany bill to correct military record of Samuel T. King—to the Committee on Military Affairs.

By the SPEAKER: Memorial of Charles A. Clark Post, Grand Army of the Republic, Ridgefarm, Ill., and Gilman Post, Grand Army of the Republic, Gilman, Ill., favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DANIELS: Resolution of the Chamber of Commerce of Los Angeles, Cal., approving construction of a trail up Mount Whitney—to the Committee on Military Affairs.

By Mr. DARRAGH: Resolutions of William D. Wilkins Post, No. 91; General Wool Post, No. 164, and Julius T. Barrett Post,

No. 173, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of New York Produce Exchange, favoring deepening the Harlem channel—to the Committee on Rivers and Harbors.

Also, resolution of the Philadelphia Maritime Exchange, favoring arbitration of international questions—to the Committee on Foreign Affairs.

By Mr. ESCH: Paper to accompany bill granting a pension to Gertrude Howard—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of Philadelphia Maritime Exchange, favoring arbitration treaties between the United States and foreign countries—to the Committee on Foreign Affairs.

Also, resolutions of New York Produce Exchange, urging legislation to deepen the Harlem or Bronx Kills to 18 feet—to the Committee on Rivers and Harbors.

By Mr. FULLER: Papers to accompany bill to correct military record of Henry Keeler—to the Committee on Military Affairs.

Also, memorial of Denver Chamber of Commerce, in relation to ship subsidies—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Grain Dealers' National Association, in relation to inspection of grain at terminal markets—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Grocers' Association of Rockford, Ill., in relation to interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Rutland Post, No. 292, Grand Army of the Republic, Department of Illinois, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: Petition of pastor and congregation of the First Presbyterian Church of Vineland, N. J.; also, petition of pastor and congregation of the West Baptist Church; also, petition of pastor and congregation of First Baptist Church, favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GILLET of California: Petition of the Northern California Indian Association, praying for the relief of the landless Indians of northern California—to the Committee on Indian Affairs.

By Mr. GOLDFOGLE: Resolution of the New York Produce Exchange, in opposition to the inspection of grain by the Government at terminal markets—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Philadelphia Maritime Exchange, favoring arbitration treaties between United States and foreign countries—to the Committee on Foreign Affairs.

Also, resolution of the New York Produce Exchange, favoring the deepening of the Harlem or Bronx Kills—to the Committee on Rivers and Harbors.

Also, resolution of the executive committee of the Supervisors' Highway Convention, at Albany, N. Y., in favor of the Brownlow bill relative to road improvement—to the Committee on Agriculture.

Also, resolution of the Manufacturers' Association of New York, favoring improvement in the harbor channels of the port of New York—to the Committee on Rivers and Harbors.

By Mr. GOULDEN: Papers to accompany bill to pension Virginia Boyd—to the Committee on Invalid Pensions.

By Mr. GREENE: Resolution of the Citizens' Trade Association of Cambridge, Mass., favoring arbitration treaties between United States and foreign countries—to the Committee on Foreign Affairs.

Also, resolution of Massachusetts State Board of Trade, against discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Boston Fruit Commerce Exchange, favoring enactment of law prohibiting alteration of published tariff rates of freight—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Boston Chamber of Commerce, favoring amendment to laws requiring inspection of sailing vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON: Resolutions of A. B. Sturges Post, No. 73, Grand Army of the Republic, of Sturgis, Mich., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HEDGE: Resolutions of Todd Post, No. 115, and Belknap Post, No. 515, Grand Army of the Republic, Department of Iowa, favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: Resolution of L. W. Frazier Post, No. 271, Grand Army of the Republic, Bethel, Ohio, against placing a statue of Gen. Robert E. Lee in Statuary Hall, in the Capitol building, Washington, D. C.—to the Committee on the Library.

Also, resolution of Kilpatrick Post, No. 189, Grand Army of the Republic, Goshen, Ohio, against placing statue of Gen. Robert

E. Lee in Statuary Hall, Capitol building, Washington, D. C.—to the Committee on the Library.

By Mr. HITT: Resolution of the Baltimore Chamber of Commerce, in favor of consular reform—to the Committee on Foreign Affairs.

Also, resolution of Holden Putman Post, No. 646, Grand Army of the Republic, of Shannon, Ill.; William H. Thompson Post, No. 308, Grand Army of the Republic, of Paw Paw, Ill.; John L. Hostetter Post, No. 785, Grand Army of the Republic, of Chadwick, Ill., and Amboy Post, No. 573, Grand Army of the Republic, of Amboy, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: Resolution of the Chamber of Commerce of Honolulu, Hawaii, against passage of Senate bill 289—to the Committee on the Territories.

Also, petition of the Bar Association of Honolulu, Hawaii, asking increase of justices for supreme court from three to five—to the Committee on the Territories.

By Mr. LACEY: Resolution of General Wilson Post, No. 432, Grand Army of the Republic, of Kellogg, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LITTLE: Paper to accompany bill H. R. 9594, for the relief of William A. Denton—to the Committee on War Claims.

By Mr. LITTLEFIELD: Resolution of Berneman Post, No. 79; Harry Rust Post, No. 54, and William K. Kimball Post, No. 148, Grand Army of the Republic, Department of Maine; and Twenty-third Regiment Association, of Maine, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: Resolutions of La Grange Post, No. 97, Grand Army of the Republic, of Windom, Minn., and of Stephen Miller Post, No. 139, Grand Army of the Republic, of Woodstock, Minn., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. PADGETT: Papers to accompany bill H. R. 1150, for the relief of Hiram Lodge, No. 7, Free and Accepted Masons, of Franklin, Tenn.—to the Committee on War Claims.

By Mr. PAYNE: Petition of business men and citizens of Penn Yan, N. Y., in opposition to parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Paper to accompany bill providing for a public building at Kewanee, Henry County, Ill.—to the Committee on Public Buildings and Grounds.

Also, resolution of the Retail Merchants' Association, Geneseo, Ill., against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of T. T. Dow Post, No. 290, Grand Army of the Republic, Department of Illinois, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, protest of Knights of Maccabees of Galesburg, Ill., against passage of Dryden bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RAINEY: Petition of business people of Beardstown, Ill., against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Downing Post, No. 321, Grand Army of the Republic, of Virginia, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Papers to accompany bill for the relief of the Primitive Baptist Church, of Huntsville, Ala.—to the Committee on War Claims.

By Mr. RIDER: Petition of Charles Houghton, in favor of the construction of the Harlem Kill section of the Harlem Ship Canal—to the Committee on Rivers and Harbors.

Also, resolution of the New York Preachers' Meeting, in relation to the treatment of naval chaplains—to the Committee on Naval Affairs.

By Mr. ROBINSON of Arkansas: Papers to accompany claim of John Lacotts—to the Committee on War Claims.

By Mr. RUPPERT: Resolutions adopted by the board of managers of the New York Produce Exchange, favoring the deepening of the Harlem (Bronx) Kills to 18 feet—to the Committee on Rivers and Harbors.

Also, resolutions of the Philadelphia Maritime Exchange, favoring arbitration treaties between the United States and foreign countries—to the Committee on Foreign Affairs.

Also, resolutions adopted by representatives of grain exchanges, declaring against Government inspection of grain at terminal markets—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Resolution of the New York Board of Trade and Transportation, favoring passage of bill to improve the Bronx Kills, New York—to the Committee on Rivers and Harbors.

Also, resolutions of the Paint, Oil, and Varnish Club of New York, protesting against trade-mark patent laws of Cuba—to the Committee on Patents.

By Mr. SHERMAN: Paper to accompany bill H. R. 8410, grant-

ing an increase of pension to George B. Fairhead—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: Resolution of the American Society for the Prevention of Cruelty to Animals, in opposition to bill H. R. 3573—to the Committee on the Judiciary.

Also, resolution of the executive committee of the Supervisors' Highway Convention, in favor of the Brownlow bill, relating to road improvement—to the Committee on Agriculture.

Also, resolution of the Paint, Oil, and Varnish Club of New York, in relation to trade-marks, patents, labels, etc.—to the Committee on Patents.

Also, resolution of the New York Preachers' Meeting, in relation to the treatment of naval chaplains—to the Committee on Naval Affairs.

Also, resolution of the Grain Dealers' National Association, in relation to the inspection of grain at terminal markets—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Manufacturers' Association of New York, favoring the improvement of the harbor channels of the Brooklyn water front—to the Committee on Rivers and Harbors.

By Mr. SPERRY: Resolution of the New Haven and Coastwise Lumber Dealers' Association, in favor of a bill to establish a forest reserve in the White Mountains—to the Committee on Agriculture.

By Mr. REID: Resolution of the Board of Trade of Little Rock, Ark., relative to the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. SULZER: Resolutions adopted by representatives of grain exchanges, declaring against Government inspection of grain at terminal markets—to the Committee on Interstate and Foreign Commerce.

Also, resolutions favoring arbitration treaties between the United States and foreign countries—to the Committee on Foreign Affairs.

Also, resolution of New York Produce Exchange, favoring passage of bill to improve the Bronx Kills, New York—to the Committee on Rivers and Harbors.

By Mr. TOWNSEND: Resolutions of Concord Post, No. 239; Scott Post, No. 43; Lucius Taylor Post, No. 274, and Morgan Parker Post, No. 281, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WACHTER: Resolutions of Dushane Post, No. 3, and of Guys Post, No. 16, Grand Army of the Republic, of Baltimore, Md., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, resolution of Baltimore Federation of Labor, in opposition to Senate bill providing for the payment of advanced wages in the coastwise trade—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Woman's Christian Temperance Union, Easton, Md., for passage of bill to forbid nullification of State liquor laws; also, from same organization, petition in favor of a bill to forbid the sale of intoxicating liquors in buildings owned or used by the United States Government—to the Committee on Alcoholic Liquor Traffic.

By Mr. WADE: Resolutions of Shelby Norman Post, No. 231, and Henry Seibert Post, No. 250, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Claus Groth Gilde, of Davenport, Iowa, protesting against passage of Hepburn bill relating to interstate liquor traffic—to the Committee on the Judiciary.

By Mr. WARNER: Petition of citizens of Urbana, Ill., protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, January 14, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 17th ultimo, a statement concerning buildings and quarters rented by the Navy Department in the District of Columbia and the States and Territories; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.